# INDIGENOUS VIEWS
## ON NUCLEAR ENERGY AND RADIOACTIVE WASTE

ABBY BARTLETT • ROBERT ATWIN • SUSAN O'DONNELL

Foreword by Hugh Akagi, Chief of the Peskotomuhkati Nation in Canada
Foreword by Ron Tremblay, Chief of the Wolastoq Grand Council

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**PUBLISHED BY THE PASSAMAQUODDY RECOGNITION GROUP INC. (PRGI) AND THE CEDAR PROJECT AT ST. THOMAS UNIVERSITY, NOVEMBER 2024.**

**The Passamaquoddy Recognition Group Inc. (PRGI)** is a not-for-profit Indigenous organization representing the Peskotomuhkati Nation in Canada. Point Lepreau on the Bay of Fundy, the location of New Brunswick's current nuclear reactor and planned future nuclear experiments, is within our homeland, Peskotomuhkatihkuk. We represent the interests of rights holders and the Peskotomuhkatik ecosystem. Our duty is to protect our lands, waters, and environment for all present and future generations.

**CEDAR (Contesting Energy Discourses through Action Research)**, a research project in the Environment and Society Program at St. Thomas University in Fredericton, studies how marginalized voices can challenge the dominant discourse on energy transitions in Canada. The Chief of the Peskotomuhkati Nation in Canada and the Chief of the Wolastoq Grand Council are research partners. CEDAR is funded by the Social Sciences and Humanities Research Council.

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We thank the Indigenous communities who made their statements available to the public. Any omissions are unintentional.

**Download the pdf report and contact information for the project team:**
**https://cedar-project.org/indigenous/**

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# 1. LAND ACKNOWLEDGEMENT

The authors acknowledge and are grateful to live and work in Peskotomuhkati and Wolastokwiyik unceded and unsurrendered territories – this land was never 'won' by or legally signed away to the British Crown or, later, to the government of Canada.

This territory is covered by the Treaties of Peace and Friendship which Peskotomuhkati, Wolastokwiyik and Mi'kmaq Peoples first signed with the British Crown in 1726.

The treaties recognized Peskotomuhkati, Wolastokwiyik and Mi'kmaq title and established the rules for an ongoing relationship of peace, friendship, and mutual respect between nations for the two very different modes of life and land use. We try to act in ways that reflect and promote understanding of our responsibility to each other and the ecosystem of which we are part.

We strive to be respectful partners as we search for collective healing and true reconciliation. We honour this beautiful territory together.

# 2. EXECUTIVE SUMMARY

Indigenous communities continue to speak up about nuclear energy and radioactive waste. We produced this report to amplify their voices.

Indigenous communities understand that producing and storing nuclear waste on their territories without their free, prior and informed consent is a violation of their Indigenous rights. They seek justice for their communities now and for the generations to come.

We analyzed 30 public statements about nuclear energy and radioactive waste by Indigenous communities in New Brunswick, Quebec and Ontario. We also gathered more than 125 documents submitted to the Canadian Nuclear Safety Commission (CNSC) by Indigenous organizations in these three provinces.

Overall, these documents do not support more nuclear development or the transport and storage of nuclear waste on Indigenous homelands. A common theme is the CNSC is not listening to Indigenous voices, and their right to be meaningfully consulted on nuclear projects has not been met.

Why are Indigenous communities not being heard and adequately consulted? The experiences of Indigenous nations and communities, the literature on nuclear colonialism and environmental injustice, and federal policy strategies provide some answers.

**A new federal government plan, "Building Canada's Clean Future," aims to get nuclear projects built faster, with fewer regulations. The plan directly conflicts with the desires of many Indigenous communities. They are asking for more meaningful consultation and to stop developing more nuclear reactors and stop siting radioactive waste dumps on Indigenous homelands.**

The government's long-term strategic objective to ensure that "nuclear energy remains a strategic asset to Canada now and into the future" suggests the government is not willing to respect Indigenous rights and accept the opposition to nuclear projects by Indigenous rights-holders.

Many options exist for the energy transition that do not involve the many risks that nuclear power presents. In just one example, the report's final section includes news of a successful commercial utility-scale wind farm co-owned by a First Nation in New Brunswick.

The report appendices include an annotated bibliography, summaries of the statements about nuclear energy and radioactive waste, a list of all submissions made to the Canadian Nuclear Safety Commission, and a copy of a recent letter from the Peskotomuhkati Nation to the federal Minister of Energy and Natural Resources requesting the Minister to fulfill the Crown's consultation obligations for nuclear projects in Peskotomuhkati territory.

# 3. FOREWORD BY CHIEF HUGH AKAGI

I represent the Peskotomuhkati, the people who welcomed the first Europeans to this land in 1604. They spent the winter on an island in our territory and they needed our help. Now, 420 years later, I think you need our help again.

Forty years ago, the nuclear industry built a nuclear reactor in our homeland at Point Lepreau on the Bay of Fundy. They did this without our consent. The reactor created hundreds of tons of used nuclear fuel - high level nuclear waste - that will remain toxic to all living things for hundreds of thousands of years, and this stockpile continues to grow. That waste is sitting in a cooling pool and in aging concrete silos at the site.

**Who believes that leaving nuclear waste in my territory for thousands of years is a good idea? We are told not to worry, it's not a problem, the next generation will handle it.**

**Now they are saying they will move the waste to the territory of a Nation in Ontario. Why would I want Lepreau's high level waste, foisted upon another Nation?**

The industry's plan includes moving used nuclear fuel throughout numerous territories in New Brunswick, Quebec and Ontario. It involves storing the waste in someone else's backyard. So, am I going to consent to that? Am I going to say well, as long as it's not in mine? No. I stand with the other Indigenous leaders who do not want the experience that we are having: thousands of years of nuclear waste that nobody really knows what to do with.

This report includes statements about nuclear energy and nuclear waste by Indigenous Nations in New Brunswick, Quebec and Ontario. The analysis shows that these Nations do not want nuclear waste on their territories. That includes the waste from the Point Lepreau reactor.

We want the waste properly stored and looked after for the thousands of years it will take until the waste is no longer dangerous. The Joint Declaration between the Anishinabek Nation and the Iroquois Caucus on the Transport and Abandonment of Radioactive Waste has five simple principles that I can stand behind:

- **No abandonment**
- **Monitored and retrievable storage**
- **Better containment, more packaging**
- **Away from major water bodies**
- **No imports or exports**

This report is mostly about nuclear waste. However, we need to get to the root of the problem: stop making the waste!

We've got to get back to Indigenous values. When I grew up, I thought I was poor. It took me a while to realize just how rich I was to have clean air, non-polluted soil, and a high diversity of fish in large numbers. I don't have that anymore. Every child needs to see what I saw. They need to see those fish. They need to see those trees. They need healthy air. And they do not need nuclear contamination for thousands of years.

For years, the nuclear industry has been trying to convince me that they are the solution. I am debunking this. And I've got good people around helping me. The CEDAR project includes experts who have written a great deal about why nuclear power is not the solution.

My message is simple and clear. Help me preserve the future. Let us help you: work with us to stop the production of nuclear waste. Together, let's make sure the existing waste is not abandoned but monitored and cared for to keep it isolated from future generations and all my relations.

**Chief Hugh Akagi**
**Peskotomuhkati Nation at Skutik**

# 4. FOREWORD BY CHIEF RON TREMBLAY

My traditional name translates to Morningstar burning and I represent the Crow clan through my Mother's lineage and the Wolf clan through my father's bloodline. I am a citizen of the river we call Wolastoq, Beautiful and Bountiful River that flows through our homeland Wolastokuk.

This report raises many concerns that Indigenous people have about nuclear waste. My concern as a traditional Chief is if we export the waste from the Point Lepreau nuclear site in New Brunswick and deliver it to Ontario through over 425 Indigenous communities, there will be vast possibilities of spills or accidents.

As for burying it into the earth in other Indigenous homelands, we follow extremely strict protocols in our way of traditional governance. We don't feel that we should transport that waste and place it in the homelands of our sisters and brothers of various nations.

More than forty years ago, when the Point Lepreau reactor was being built, we were never consulted. If we had been consulted back then, we would have raised major concerns about nuclear waste.

I'd like to share a parable. Just imagine if we built birch bark canoes without paddles, going through a river without a paddle guiding and directing where you're going. Today it would be like if you made a vehicle without brakes or without safety features like seatbelts or airbags. That's exactly what is occurring: they created all these nuclear sites without any future idea or intent of where to store the nuclear waste. This is our concern.

We believe that the Earth is our Mother, and that she has been violated, she has been hurt, she has been raped, she has been damaged for far, far too long. It's comparable to what's happening within our nations with Indigenous women and girls and two spirited people.

Many factors point to why the waste should not be transported. It's more than 2,000 kilometres from Point Lepreau in New Brunswick to the proposed dumping site in Ontario. That's a long haul, and incredibly dangerous.

Before we move forward, we need to really think about what to do with this waste. The proposal is to store it in a large hole within the earth. What's below the earth? What are the harms to the aquifers and to the life inside Earth? Will this open the opportunity to various countries like the United States to come and dump their waste into that site? Those are my concerns.

Nuclear reactors are fuelled with uranium mined on Indigenous lands. Go ask our sisters and brothers of the Navajo Nation about the despair they live with, from the birth defects and stillborn children and the high rates of cancer within their nation.

Our homeland is covered by the 1725/26 Peace and Friendship Treaties that did not surrender any lands or resources. And I always say that our peoples from the Wabanaki Confederacy did not surrender one piece of Earth, one drop of water or one breath of air. In fact, section six of the Peace and Friendship treaties clearly states that "Any Indian who is molested or damaged will receive satisfaction and reparation." And we have not received the "Satisfaction or Reparation" to this day.

**Those treaties are law, but the provincial and federal governments refuse to honour those treaties. This is the situation we are in today. If they would have honoured the treaties from day one, we would not be talking about nuclear waste. Our treaties have to be respected and honoured.**

**Sincerely,**
**Wolastoqewi Kci-Sakom spasaqsit possesom - Ron Tremblay**
**(Wolastoq Grand Chief morningstar burning)**

**Kahkakuhsuwakutom naka Malsomuwakutom (Crow & Wolf Clan)**
**Wolastoq Nil naka Nil Wolastoq - i am Wolastoq and Wolastoq is me**

# 5. BACKGROUND & INTRODUCTION

## 5.1 BACKGROUND

This report shares the views of Indigenous communities who are speaking out about nuclear power and radioactive waste.

We collected and reviewed statements made public by Indigenous communities and submissions by Indigenous organizations to the regulator, the Canadian Nuclear Safety Commission.

To provide context, our report includes a discussion of Indigenous rights, the United Nations Declaration on the Rights of Indigenous Peoples, and nuclear colonialism and environmental injustice.

The report is co-published by the Passamaquoddy Recognition Group Inc. (PRGI), which represents the Peskotomuhkati Nation in Canada, and the CEDAR research project at St. Thomas University in Fredericton, New Brunswick.

Chief Hugh Akagi of the Peskotomuhkati Nation and Chief Ron Tremblay of the Wolastoq Grand Council each wrote a foreword to this report. Both Indigenous leaders are CEDAR partners.

CEDAR (Contesting Energy Discourses through Action Research) explores how marginalized voices can challenge the dominant discourse on energy transitions in New Brunswick and across Canada. This report forms part of our CEDAR study on energy development on the Bay of Fundy.

**The Bay of Fundy has the highest tides in the world and rich and diverse marine life, is a vital feeding ground for many species of migratory birds and is home for the Indigenous people who rely on the Bay for sustenance.**

An island in the Skutik (St. Croix river) that feeds into Passamaquoddy Bay is the site of the first permanent French settlement in North America. Members of the three Passamaquoddy communities – one in Canada and two in the U.S. state of Maine – are descendants of the Indigenous people who helped those first Europeans to survive. Today the Indigenous people remain caretakers of the Skutik, Passamaquoddy Bay and the Bay of Fundy.

The Wolastoq (the beautiful and bountiful Saint John), is the largest river in the Maritime provinces and the largest freshwater feeder into the Bay of Fundy. All six Wolastoq communities are located in New Brunswick along the Wolastoq, and the community members and their ancestors have cared for the Wolastoq watershed since time immemorial.

## 5.2 NUCLEAR POWER AND RADIOACTIVE WASTE ON THE BAY OF FUNDY

The Point Lepreau Nuclear Generating Station on the Bay of Fundy in New Brunswick is the only nuclear power plant in Atlantic Canada. The plant opened in 1983 with the promise to shut it down in 2008. However, the reactor was refurbished and the plant reopened in 2012. The affected Indigenous nations did not consent to the original build or the rebuild.

NB Power, New Brunswick's public electrical utility, is the owner of the Point Lepreau nuclear plant. NB Power has been storing hundreds of tons of intensely radioactive high-level nuclear waste (used nuclear fuel) at the site. The reactor has been producing this waste since 1983 and continues today.

The containers of high-level nuclear waste are stacked inside more than 200 aging concrete silos in a compound about a kilometre, as the crow flies, from the Bay of Fundy. The concrete is subject to the negative effects of age and corrosive action of the saltwater environment. The hazardous stockpile grows every year, without consent from, and against the express wishes of, the Peskotomuhkati Nation and the Wolastoq Grand Council.

**Radioactivity cannot be turned off – that's what makes it so dangerous. The radioactivity from high-level waste can take millennia to decay. If exposed, radioactivity can damage living tissue in a range of ways and can alter gene structure. For this reason, high-level waste must be kept isolated from living things for millennia.**

In addition to high-level waste, the reactor at Point Lepreau emits other kinds of radioactive waste. Tritium, one such emission, is a radioactive isotope of hydrogen. All the nuclear power reactors in Canada – a design called "CANDU" – emit much larger amounts of tritium than U.S. or European reactors. The Point Lepreau reactor emits the highest level of tritium of any CANDU reactor in Canada.

People and the environment are continually bombarded with government and industry-defined "acceptable" levels of tritium emitted by the Lepreau reactor. People are exposed to the radiation from tritiated water vapour in the air, drinking water in local wells, diving for sea urchins, harvesting clams, dulse and seaweed for fertilizer, and eating local seafood and wild foods such as mushrooms, berries and other fruits, garden vegetables, and honey from local hives.

In addition to their concerns about the nuclear waste generated by the Point Lepreau reactor, both the Peskotomuhkati Nation and the Wolastoq Grand Council are opposed to plans to build more nuclear reactors that would generate more radioactive waste at Point Lepreau.

NB Power, the Government of New Brunswick, and the Government of Canada are supporting the development of two experimental nuclear reactor designs and a reprocessing plant to extract plutonium from used nuclear fuel at the site. If built, these nuclear experiments will generate new forms of hazardous radioactive waste for which no commercial management options currently exist.

The affected Indigenous nations have not given their consent to these projects. As discussed later in this report, the United Nations Declaration on the Rights of Indigenous Peoples states that free, prior and informed consent is required by Indigenous nations before storing hazardous materials on Indigenous homelands.

## 5.3 INDIGENOUS PERSPECTIVES FROM THREE PROVINCES

NB Power wants to send to Ontario all the high-level radioactive waste currently stored at Point Lepreau. Their plan is to transport the waste from the site on the Bay of Fundy via public roads in New Brunswick, Quebec and Ontario, despite the considerable opposition to nuclear waste transport and storage on their territories from Indigenous nations in those provinces.

We analyzed the official views of Indigenous communities in these three provinces – New Brunswick, Quebec and Ontario - toward nuclear energy and radioactive waste. We analyzed only official statements by recognized Indigenous organizations available to the public or submitted to the Canadian Nuclear Safety Commission (CNSC) and on its website.

The statements include letters and articles, declarations on websites, Band Council Resolutions (BCRs) filed with the federal government, and other documents on the public record. The statements analyzed for this report date back to 2010 and are summarized in Appendix 9.2.

In the past decade, the CNSC opened more opportunities for Indigenous communities (and the public) to participate in commenting on nuclear regulation. Indigenous communities have taken up that opportunity, and their submissions to the CNSC since 2018 are listed in Appendix 9.3.

The main concern voiced by Indigenous communities is the nuclear waste the industry generates and its impact on the lands and waters Indigenous people have been caring for since time immemorial.

The nuclear fuel chain creates many kinds of radioactive wastes, not only in New Brunswick, Quebec and Ontario but also across Canada.

It starts with uranium mining. Uranium mining on Indigenous homelands in the Northwest Territories and Saskatchewan as well as historical mines in northern Ontario have created lakes of radioactive mine tailings and toxic effluents which make the land unusable for millennia.

Historic plutonium production for the U.S. nuclear weapons industry and nuclear experiments at the Chalk River nuclear laboratories, and uranium processing and reactor fuel fabrication there and at other sites, have created a variety of nuclear waste streams in Ontario.

The 19 nuclear power reactors operating or being refurbished in Ontario and New Brunswick, as well as the shut-down power reactor in Quebec, have created thousands of tons of used nuclear fuel – high-level radioactive waste, the most dangerous kind. Reactor refurbishments create additional waste, classified as intermediate level, that must also be kept isolated for thousands of years.

**Civil society and Indigenous Nations have opposed and continue to challenge nuclear developments. Activism achieved a policy ban on uranium mining in British Columbia and Quebec, a law against uranium mining in Nova Scotia, and the shutdown of the only nuclear power reactor in Quebec. In Manitoba, nuclear experiments on radioactive waste led to so much opposition that the government was forced to pass a law banning the burial of nuclear waste in that province, the only jurisdiction in North America to have such a law.**

## 5.4 INDIGENOUS RIGHTS

Indigenous peoples' rights include those related to land and waters, self-determination and self-government. Indigenous peoples have the right to practice their culture through language, customs and subsistence resources and activities. Indigenous rights are constitutionally protected and unique from the rights non-Indigenous Canadians have under Canadian law.

After European contact, relationships developed between Indigenous peoples and the newcomers. As Chief Akagi wrote in his Foreword, the Peskotomuhkati people helped the first explorers from France who arrived in 1604 and stayed on an island in the Skutik (the river now called the St. Croix). The point where the Skutik flows into Passamaquoddy Bay and the Bay of Fundy is about 50 kilometres west of the peninsula now known as Point Lepreau.

Some of these early relationships between Indigenous peoples and newcomers were eventually formalized and codified as treaties. As Chief Tremblay wrote in his Foreword, these lands and waters in the area now known as New Brunswick are covered by the Peace and Friendship Treaties of 1725-1726 that did not surrender any Indigenous lands or resources.

In modern times, Section 35 of Canada's Constitution Act recognizes, affirms and is intended to protect Indigenous (Aboriginal) rights. This section of the Constitution is only a reaffirmation of Treaty Rights, which existed long before Canada was a country. Determining the meaning and scope of these rights under Canadian law is continuously worked out through the Canadian legal system, usually in response to Indigenous people taking the government to court when their rights are violated.

Indigenous people across Canada have rights and responsibilities that are always developing. The relationship between Indigenous peoples and the Canadian government continues to be strongly shaped by resource development, land claims, and the acknowledgment of self-governance.

Indigenous culture has an inextricable connection to the land. Land in this sense includes all that sustains "Life"..... water, air, plants, the four-legged, fish, birds etc., all of which are considered "Relatives." It is this ancestral connection which forms the basis of self-determination. Free to hunt, fish, trap, travel and gather in an ecosystem free from the vagaries of Newcomers.

Some of these rights and accompanying responsibilities are described briefly below.

**Right to self-determination:** Indigenous peoples have the right to freely choose their political, economic, social and environmental standings. They have the right to exist as a distinct people and push back on any governing body infringing on their rights and culture.

**Water / fishing:** Indigenous people have a strong connection to the marine and freshwater ecosystems in their territories. The protection of the water is a responsibility that Indigenous people have taken on. Culturally, water provides spiritual and physical sustenance, stories and transportation. Water provides a bountiful source of food that has sustained people long before colonization. The right to harvest from the waters to sustain life, for medicine and to provide a livelihood is very important to the Indigenous population. Fish and seafood that carry contaminants put everyone at risk.

**Hunting and trapping:** As the water is important to Indigenous people so too are the non-human inhabitants of the land. Hunting is an inherent element of Indigenous life; it brings the people together while also providing nourishment. Beyond food, animals caught can also provide medicine and livelihood that Indigenous people may rely on. Hunters should not have to worry if the animal they are going to consume or use for medicine is contaminated in any way. Indigenous people want to ensure they are safe and that the animals they hold in high reverence are protected.

**Spirituality:** An ever-growing reemergence of spirituality within communities, which has been under attack for centuries, needs to be protected. All Indigenous people have a right to choose how they practice spirituality. If their lands and waters are contaminated, this directly affects spiritual well-being.

**Language:** Language is life and was one of the earliest targets for assimilation. Through the residential school systems, speaking the language was a punishable offence. Indigenous people have a right and a responsibility to keep their languages alive for the coming generations.

**Travel:** Indigenous people have ancestral roots to their homelands; they have the right to freely travel, unimpeded and without restriction. Lands should be able to be explored without fear of health risks.

**Health:** Indigenous people have the right to fully enjoy the lands that they call home, without worrying about pollution or contamination. They have the right to live free of fear, and they have the responsibility to protect future generations from falling ill due to pollution and hazardous waste.

## 5.5 THE UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

In 2007, the United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples (UNDRIP). Among the rights the UN Declaration recognizes, are the rights of Indigenous peoples regarding developments affecting them and their lands, which includes their right to conserve and protect the environment and productive capacity of their lands and resources, and to take effective measures to ensure no disposal of hazardous materials occurs without their free, prior and informed consent.

The UN Declaration states in articles 29(1) and 29(2), respectively, that "Indigenous peoples have the right to the conservation and protection of the environment...of their lands" and that "States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands ... without their free, prior and informed consent."

In November 2010, Canada formally endorsed the UN Declaration, and in 2016, Canada announced it would fully support the Declaration "without qualification" and would implement it. However, having the UN Declaration implemented in Canada continues to be a struggle for Indigenous groups today.

An important piece of legislation recognizing Indigenous peoples' rights in a Canadian legal framework is the Canadian law, the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA) which came into force in 2021. The Act is a pledge to merge Canadian legal frameworks with the UN Declaration. The Declaration therefore is a universal human right instrument with application in Canadian law both of its own force and as provided for in the Canadian UNDA.

The UNDA requires Canada to implement an action plan to achieve the objectives of the UN Declaration. However, each province needs to implement a provincial law like the UNDA that will give effect to the UN Declaration in its jurisdiction. Currently, British Columbia is the only province with a provincial law to implement the Declaration; the federal UNDA has no binding effect on any other province.

Although Canada has endorsed the Declaration and developed a domestic Act and an Action Plan, various federal departments and agencies are implementing the Declaration on different timelines. The Action Plan includes 181 measures assigned to specific government departments, with all meant to be implemented by 2028. Some departments are more proactive, with others acting as if the Declaration, the domestic Act and the Action Plan do not exist. Although the Canadian Nuclear Safety Commission (CNSC) is not named in the Action Plan, this does not mean that the Declaration does not apply to the CNSC.

The UN Declaration is a large document that covers cultural, social, economic, and political rights. It acknowledges the rights of Indigenous peoples to self-determination, historic land, their resources, cultural preservation, and involvement in processes of decision-making that impact them, such as issues with nuclear expansion.

The Declaration establishes at least a minimum benchmark for the treatment of Indigenous peoples.

The UN Declaration is a one response of many across the globe to the process of colonization and subsequent taking of Indigenous lands, territories, and resources. Colonial injustice has and continues to prevent Indigenous peoples from exercising their rights.

**With major losses of land, Indigenous people have not been in a position to use their lands in accordance with their own values and traditions.**

**For Canada's entire history, the state has not fully recognized the rights of Indigenous peoples. Canada is not able to 'give' or 'allow' Indigenous self-governance and rights – these rights are inherent and have also been reaffirmed in the Treaties.**

The UN Declaration provides a framework for states to adapt their own rules and institutions, in order to honour the original agreements made with Indigenous peoples. These original agreements recognized Indigenous rights, which, to this day, have not been extinguished.

The UN Declaration details how states need to put in place mechanisms that prevent "Any action which has the aim or effect of dispossessing them of their lands, territories or resources." However, Canada is still struggling to integrate and respect Indigenous peoples and their rights, as evidenced in the nuclear discussion and actions by the federal and provincial governments, agencies, the regulator, and the nuclear industry.

## 5.6 NUCLEAR COLONIALISM AND ENVIRONMENTAL INJUSTICE

The literature review for this report focused on the struggles of Indigenous peoples to assert their rights and protect their lands and waters from the risks of nuclear power. Appendix 9.1 is an annotated bibliography of 17 relevant publications that touch on the theoretical context for these struggles.

Two central concepts in the literature are "nuclear colonialism" and "environmental injustice." "Nuclear colonialism" is a system of domination through which governments and the nuclear industry disproportionately target and devastate Indigenous peoples and their lands to maintain the nuclear production process (Endres, 2009).

In her analysis of nuclear colonialism in the Yucca Mountain nuclear waste siting process in the U.S., Danielle Endres (2009) reveals how the government and industry work together to exclude Indigenous peoples' concerns. The nuclear industry has waged an undeclared war against Indigenous populations, which flies under the radar: "...today's Indian wars are fought in corporate boardrooms and law offices as tribes endeavor to protect and control their remaining resources..." (p. 44).

Colonialism is an ongoing event. The nuclear industry maintains itself by finding ways to ignore or deny the land rights of Indigenous peoples, given that Indigenous peoples' opposition and demands for fairness and protection present a significant challenge to nuclear projects.

Using the frame of nuclear colonialism, Harrison Dressler (2024) analyzed corporate news media in New Brunswick to understand how media discourse about nuclear power marginalizes Indigenous voices. Indigenous voices challenge the "technocratic, market-focused, and growth-oriented solutions to the climate crisis" including nuclear energy. Instead, Indigenous voices prioritize intergenerational environmental sustainability (p. 28).

The corporate news media in New Brunswick are profoundly biased toward promoting the views of the nuclear industry and its government allies. Dressler's research shows that these media sources dismiss or underemphasize the risks and criticisms of proposed small nuclear reactors for New Brunswick and instead promote neoliberal capitalism and colonialism.

Dismissing Indigenous concerns about the health effects of radiation from the nuclear fuel chain is one way that discourse perpetuates nuclear colonialism. Lisa Yoneyama (2024) describes radiation as ghost-like: It seems to escape our senses but affects our bones, the soil, and water.

**After exposure to the environment, radiation reappears "unannounced and unanticipated." However, one difference between ghosts and radiation is that radiation has the ability to change our DNA and cause damage to our bodies. There is no contesting the fact that it does exist (p.81).**

Within the colonial system, Yoneyama identifies a concept she calls "colonial unknowing" which presents radiation as a mythical creature that may or may not be there. This means the public is not aware of all the dangers, especially when advocates with something to gain promote nuclear developments as "green" energy. Colonial unknowing leaves the public purposefully unaware of the connections between nuclear projects and potential health and environmental impacts and catastrophes.

The second main concept in the literature reviewed, "environmental injustice," is increasingly applied to energy projects. "Justice" is usually understood to be about distribution – justice is when something is distributed fairly. More broadly, environmental injustice is a rallying cry for marginalized, Indigenous and racialized communities challenging the degradation of their "land, water, air, and community health by corporate polluters and indifferent governmental agencies" (Hoffman, 2001, p. 461).

Johanna Höffken & M.V. Ramana (2023) see the chain of processes in the production of nuclear power as not compatible with justice in any way.

The government and the nuclear industry claim that developing new reactors will address the climate crisis. Extensive research has revealed that these claims are false. Nuclear technology generates both electricity and environmental injustice.

Used nuclear fuel, high-level waste, takes hundreds of thousands of years to decay. This means that nuclear energy creates intergenerational injustice: "people not yet born will inherit this hazardous waste and the associated challenges, but they will not benefit in any way from our generation's use of nuclear reactors to produce electricity" (Höffken & Ramana, 2023, p. 4).

Even if nuclear projects bring short term monetary benefits like jobs, much more to the story lies under the surface. The injustices that inevitably come with nuclear power and uranium developments disproportionately fall on Indigenous people and their land. This negatively affects their ways of life long into the future. This relationship is hugely overlooked by governments and the nuclear industry committed to economic growth.

In recent years, environmental justice research has advanced. However, the research needs to incorporate Indigenous perspectives more often. Indicators of injustice are often derived from "western" science. For example, measuring the distance to hazardous facilities does not capture the complexity of Indigenous connections to landscape (Vickery and Hunter, 2017). Incorporating Indigenous people in research processes honourably and acknowledging their rights, as well as building processes which respect these rights, is important for environmental justice moving forward.

# 6. INDIGENOUS VIEWS ON NUCLEAR ENERGY & RADIOACTIVE WASTE

## 6.1 MAJOR THEMES IN INDIGENOUS PUBLIC STATEMENTS

We identified and reviewed all the public statements on nuclear issues we could find from Indigenous organizations in New Brunswick, Quebec and Ontario. These statements included resolutions passed, media releases, and letters to government officials made public. Many statements were found on the websites of Indigenous organizations and the websites "Nuclear Waste in Canada" and the Canadian Coalition for Nuclear Responsibility.

Appendix 9.2 provides a summary of each of the 30 statements reviewed: 17 joint declarations by more than one Indigenous group or Nation, 12 statements by individual Nations, First Nations or traditional Grand Councils, and one statement by Indigenous organizations from Canada at the United Nations.

Although there are news reports of several Indigenous organizations that support, or have formally agreed to monitor, nuclear energy or waste site developments, we could find no official statements on Indigenous organization websites that welcome nuclear energy or radioactive waste dumps on their homelands.

Overall, the statements demonstrate that instead of staying neutral or silent about nuclear projects that have the potential to threaten or destroy their ways of life and affect the health of their communities for generations, Indigenous people recognize the dangers and are asserting their opposition.

We identified four major themes: no support for nuclear, violations of Indigenous rights, procedural inadequacies, and seeking environmental justice.

### 6.1.1 No Support for Nuclear

Within 24 Indigenous statements lies a common and clear message: they do not support nuclear waste within their territories. Some of these statements – including two Assembly of First Nations resolutions – also oppose the development of so-called "Small Modular Nuclear Reactors."

The Indigenous statements shine a light on the environmental injustices created by nuclear waste and the need to lessen the burdens of nuclear waste for future generations. Nuclear waste has the potential to negatively affect Indigenous communities' wellbeing and their ability to hunt, fish, drink and gather food safely which directly threatens their ways of life.

In their statements, Indigenous people often describe themselves as stewards of their land for time immemorial, with no plans to give up that responsibility. Indigenous people have every reason and right to say no, and many clearly state that nothing will change their minds given the risks that come along with the use, storage, construction, and transportation of nuclear reactors and their wastes.

The nuclear industry's plans to store or dispose of radioactive waste on Indigenous territories has given rise to Indigenous opposition in particular to the proposed Near Surface Disposal Facility (NSDF) and the proposed Deep Geological Repository (DGR) projects in Ontario.

For example, Chief Rudy Turtle from Asubpeeschoseewagong Netum Anishinabek (ANA), otherwise known as Grassy Narrows First Nation, sent a letter in February 2024 to the president of the industry's Nuclear Waste Management Organization. The letter header was: "ANA says no to Nuclear waste storage in our watershed."

Grassy Narrows was never directly contacted about the Deep Geological Repository project, the nuclear waste storage site proposed in Northwestern Ontario, despite the proponents' duty to consult with potentially impacted First Nations. Chief Turtle, after finding out about the plans from other sources, wrote to the Nuclear Waste Management Organization on three separate occasions, with no satisfactory response.

In other examples, Treaty 3 Grand Chief Diane Kelly explains in her 2010 letter to the president of the Nuclear Waste Management Organization that there is too much risk and no way to authorize the long-term storage of Canada's nuclear waste in the land that sustains her community.

In 2023, the Ojibway Nation of Saugeen passed a band council resolution stating that their lands would be forever altered, and that they stand firm in their opposition to the long-term storage of nuclear waste in Treaty 3 territory.

**Kebaowek First Nation describes the Near Surface Disposal Facility (NSDF) as exactly what it will be if the project proceeds: a "massive aboveground radioactive waste dump," which will lie on unceded Algonquin territory close to the Kichi Sibi (Ottawa River).**

The Chief and Council from Lac Seul First Nation issued a statement to community members about the storage of nuclear waste in their traditional territory. They explain that the Nuclear Waste Management Organization had not sought their support and consent for the proposed storing of nuclear waste. They make their position clear: they do not agree with nuclear waste storage on their lands.

### 6.1.2 Violations of Indigenous Rights

As discussed earlier, Indigenous peoples have rights distinct from and in addition to the rights held by non-Indigenous Canadians. As such, Indigenous peoples are "rights-holders" not "stakeholders" in matters involving nuclear activities.

Of the statements reviewed, 21 cite violations of Indigenous rights.

**Lack of appropriate consultation is most often highlighted – the federal regulator, the Canadian Nuclear Safety Commission (CNSC), is not consulting meaningfully with First Nations on nuclear projects in their territories.**

As discussed in the "Related news" section of this report, the federal government recently released a plan to streamline the nuclear permitting process to reduce the time required to develop new nuclear projects. This plan is in direct conflict with the stated desire in many of the statements to slow down the process to allow time for meaningful consultation.

Many statements refer to the United Nations Declaration of Indigenous Peoples. As discussed earlier, the federal government adopted the UN Declaration and has a plan to implement it across all government departments by 2028.

How the Declaration will be implemented federally and provincially is viewed by Indigenous nations as a test of the government's willingness to be transparent. Implementing it in whole (or without being watered down), or provinces choosing to implement it at all, would be a step in the right direction.

In particular, the reviewed Indigenous statements reference the UN Declaration Articles 19, 28(1), 29 (1 and 2), and 32(2) which outline states' responsibilities to receive free, prior and informed consent from Indigenous nations before adopting and implementing legislative or administrative measures that may affect them. The statements reviewed note that these articles in the UN Declaration are rarely followed, leaving Indigenous people to deal with radioactive waste they never consented to.

These Declaration articles outline the Indigenous right to achieve redress for the lands used or damaged without free, prior and informed consent, and that states should take effective measures to ensure no storage or disposal of hazardous materials should take place in their lands or territories without their free, prior and informed consent.

The Declaration also makes clear that states need the consent of Indigenous nations prior to the approval of any project affecting their lands or territories particularly in connection with the development of mineral, water or other resources. However, nuclear proponents often do this via information sessions without genuine consultation. When First Nations oppose the projects, even during official consultation, their opposition is most often ignored or rejected.

In their statements, Indigenous organizations assert and defend their rights in these situations.

**Not only have Indigenous people not consented to these nuclear projects in the first place, but they now must also remind industry and government about their rights and how they were, and continue to be, violated.**

Mississauga First Nation passed a band council resolution stating they never consented to their lands being used for nuclear activities, and there continues to be no equitable redress for the loss of their lands. The Canadian Nuclear Safety Commission (CNSC) and Cameco corporation, the owners of the Blind River uranium refinery on Mississauga First Nation territory, have denied the First Nation's request for the full disclosure of information detailing the plans for decommissioning or disposal activities that will be taking place on the site.

The Kitigan Zibi Anishinabeg stated in a news

release that the CNSC approved the Chalk River Near Surface Disposal Facility (NSDF) without proper consultation. They describe how the CNSC's failure to consider the rights and interests of Indigenous communities violates Supreme Court rulings and the UN Declaration.

Kebaowek First Nation and Algonquin Anishinabeg Nation Tribal Council outlined in a letter to the Prime Minister that the CNSC did not consult them meaningfully on three nuclear projects at the Chalk River site on the Kichi Sibi (Ottawa River).

Chief Lance Haymond of Kebaowek First Nation states "...we can either be part of the solution or continue to be part of the problem," referring to the community drive and partnership to complete an Indigenous-led assessment for the NSDF despite the time constraints and work that goes into the process.

### 6.1.3 Procedural Inadequacies

Not only have Indigenous people repeatedly said no to proposed nuclear projects, 17 statements noted that within the projects are troubling procedural inadequacies.

**In one example, Anishinabek Nation Grand Council Chief Glen Hare (Gwiingos), in a 2019 letter to the chair of a Senate committee, points out that the nuclear regulator, the Canadian Nuclear Safety Commission, asked the government to exclude proposed Small Modular Nuclear Reactors from the federal environmental assessment process.**

Given that the small reactor designs in Canada are experimental, have never been constructed or used anywhere in the world and will generate more dangerous radioactive waste, the Anishinabek Nation finds this action by the regulator completely unacceptable.

The government has a duty to consult and accommodate First Nations about changes to policies that affect them. In March 2023, the government released a Radioactive Waste and Decommissioning Policy which did not include the input from Indigenous nations despite Indigenous participation in the review process over the course of two years.

Another example of procedural inadequacies is cited in a 2020 letter to the Prime Minister from Kebaowek First Nation and the Algonquin Anishinabeg Nation Tribal Council titled "Canada's Need for an Overarching Indigenous Cooperation Agreement with the Algonquin Nation for Chalk River Nuclear Site Proposed Developments." The letter identifies considerable environmental assessment inconsistencies as the major concern.

The Nations seek to know why the CNSC, as a nuclear regulator, is coordinating its own environmental assessments. Kebaowek First Nation and the Algonquin Anishinabeg Nation Tribal Council insist that these assessments must be conducted by a joint review panel rather than the CNSC alone.

### 6.1.4 Seeking Environmental Justice

The fourth main theme – seeking environmental justice – is found in seven statements. Indigenous people are tired of empty promises regarding environmental justice. Indigenous nations seek environmental justice for not only their people but also all future generations. Environmental justice flows from established Indigenous rights.

In their statements, Indigenous people look to the future when they consider the implications of nuclear waste, something they believe the Canadian Nuclear Safety Commission (CNSC) does not take into account. In many cases, the statements include that nuclear storage on their territories will forever alter their land, and in most cases, it already has.

These Indigenous communities consider they have been experiencing toxic harm from many sources for generations, have been wronged time and time again, and have no time to waste to protect their lands, their people and their futures from the nuclear industry.

Their statements attempt to remind the nuclear industry and the Canadian government of their responsibilities, often outlined in their own agreements. In one example, Anishinabek Nation Grand Council Chief Glen Hare (Gwiingos) in a letter to the Prime Minister refers to a 2001 legal agreement by the federal agency Atomic Energy of Canada Limited (AECL) that outlines AECL's responsibility to retrieve all radioactively contaminated materials in the Port Hope area in Ontario. In the letter, Chief Hare expresses concern after learning that the companies working to clean up this material are seeking to weaken the criteria for clean-up.

The radioactive waste in Port Hope is a federal responsibility, created from refining uranium and materials for the Cold War nuclear weapons buildup. The waste was dumped at various sites around Port Hope in deep ravines and within the harbour on Lake Ontario. The letter details one example of how Indigenous people rightfully demand environmental justice.

**"The clan mothers who guide and direct me, have always strongly related to me that you have to ask these three questions: #1- For any project that's being proposed, will it bring harm to earth, water and air, #2 - Will the project proposed have irreversible circumstances, and #3 – will it affect the next 7 generations of our Nation…for nuclear, the response is yes, yes and yes."**
**– Wolastoq Grand Council Chief Ron Tremblay**

The Mississauga First Nation band council resolution mentioned earlier outlines their concerns about nuclear operations on their territory that have contributed to the loss of their ways of life and the detriment of their health and well-being. The council points out that the nuclear industry continues to benefit materially from the Cameco corporation's Blind River uranium refinery, the largest in the world.

The Cameco corporation proposes to consolidate and dispose of all waste from its three Ontario-based facilities at the Blind River Refinery and construct a radioactive waste "storage cell." The plans to site this waste on Mississauga First Nation (MFN) lands would contribute to the existing legacy of wastes MFN experiences, which they describe as environmental injustice and environmental racism.

In a 2018 resolution, the Chiefs of Ontario note their duty to protect the health and citizens today and into the future. In a final example, the Anishinabek, Mushkegowuk, Onkewehonwe declaration, 'We Are The Land,' states that what their nations do with the land, they subsequently do to themselves and to their future generations.

# 6.2 INDIGENOUS SUBMISSIONS TO THE CANADIAN NUCLEAR SAFETY COMMISSION (CNSC)

## 6.2.1 The CNSC and Opportunities to Comment on Nuclear Projects

The Canadian Nuclear Safety Commission (CNSC) is the nuclear regulator, the federal agency responsible for the safety, security and environmental impact of all aspects of nuclear energy, from mining uranium to nuclear waste. The Nuclear Safety and Control Act provides the foundation for the CNSC's responsibilities.

A CNSC license is required for any organization engaged in nuclear activities, such as mining uranium, establishing a nuclear power station, using radioactive materials in medical procedures, or managing radioactive waste.

An application for a CNSC licence triggers a public hearing, which can be held either in-person or by accepting written submissions only – the CNSC decides. During a hearing, Indigenous groups as well as stakeholders and the public can voice their concerns about or support the application, or both. All hearing intervenors submit a written intervention, and for in-person hearings, some intervenors will also request to make an oral presentation.

Appendix 9.3 lists and includes links to 82 submissions by Indigenous organizations for hearings related to applications for a licence to operate a nuclear facility (including supplemental documents and oral presentations). Many submissions raise significant concerns with the specific licence application.

When a license has been issued, the CNSC is legally obligated to track the licensee's operations and conduct routine inspections to ensure the licensee follows all legal requirements. The CNSC can enforce these regulations by issuing orders and fines or removing the license.

The CNSC safety oversight program intends to cover the whole life cycle of nuclear development. For example, for a nuclear generating station, safety oversight covers where and how it will be built, operations and maintenance, site decommissioning, where nuclear waste will go and how waste is managed.

The CNSC publishes annual Regulatory Oversight Reports (RORs) with information

on the safety performance of the organizations licensed to handle nuclear substances. The ROR reports evaluate against CNSC-developed safety procedures and adherence to CNSC-developed regulations. The Algonquins of Pikwakanagan First Nation has requested additional criteria, but thus far their request has been turned down.

The regulator uses government-defined thresholds for measuring levels of radioactive materials in the environment that can be another expression of colonization and environmental injustice. As explained in Appendix 9.1,

**Métis researcher Max Liboiron calls Canadian regulations that set maximum levels of harmful substances the "permission-to-pollute system."**

The CNSC decides what to "scope in" in its oversight and related reports. For example, the oversight of a proposed nuclear power generating station will not "scope in" considerations of the mining, manufacture and transportation of the uranium fuel for the generating station, or the plans for decommissioning the generating station; the process ensures Indigenous people cannot express themselves holistically.

The CNSC program also approves the licensee's evaluation of potential risks and development of emergency plans. Such planning is intended to ensure facilities are designed to withstand natural disasters like floods or earthquakes and have viable plans to respond to a potential nuclear incident.

In addition to the 82 submissions related to Canadian Nuclear Safety Commission hearings, Appendix 9.3 lists and includes links to 45 submissions by Indigenous organizations related to the CNSC's Regulatory Oversight Reports. Many of these submissions challenge aspects of the CNSC's approach.

For example, the 2022 submission by the Passamaquoddy Recognition Group (PRGI) responding to the Regulatory Oversight Report on the Point Lepreau nuclear station included PRGI's belief that the CNSC erred by accepting New Brunswick's estimation of the size of the emergency planning zones for a nuclear accident.

In addition, submissions to the CNSC by the Passamaquoddy Recognition Group and others responding to Regulatory Oversight Reports highlight that safety issues identified by the CNSC sometimes take a very long time to be brought into compliance.

In summary, Indigenous organizations can make formal submissions to the Canadian Nuclear Safety Commission that remain on the public record (the CNSC website) for various licence applications, changes to licence requirements, and Regulatory Oversight Reports. The CNSC's participant funding program makes necessary funding (cost-recovery) available to assist Indigenous rights-holders, stakeholders and individuals to prepare their submissions.

### 6.2.2 Common Theme: The CNSC is not Listening

Appendix 9.3 to this report lists all 127 submissions (with links) to the Canadian Nuclear Safety Commission (CNSC) from 19 recognized Indigenous rights-holders in New Brunswick, Quebec and Ontario from 2018 (the date of the earliest submissions available on the CNSC website) to June 2024. Two organizations not recognized by Indigenous nations were excluded from this review.

Many submissions are dozens of pages in length; the longest was more than 1,000 pages. The documents raise many concerns related to the matter under CNSC review; a full review of all the documents was beyond the scope of this report (but may be considered in future).

For our review of submissions from New Brunswick, Quebec and Ontario, we chose recent CNSC submissions and identified a common theme: it was apparent that the communication between the parties feels one sided.

Many Indigenous voices disagree that the CNSC is transparent or prioritizes open communications. In addition, many submissions to the CNSC by Indigenous groups clearly disagree that the CNSC fulfills its legal obligations adequately.

**The most common pattern throughout the submissions to the CNSC is that Indigenous rights-holders want to feel heard right now (they want actions which prove they have indeed been heard) and not at some point in the future.**

These groups and communities feel as if their feedback is just a checkbox the CNSC and nuclear industry must meet. The CNSC promises to keep a strong connection to Indigenous communities, but Indigenous groups do not believe this promise is being upheld.

The discussion in this section covers recent submissions to the Canadian Nuclear Safety Commission (CNSC) from nine Indigenous rights-holders, three each from New Brunswick, Quebec and Ontario. Our presentation is by no means attempting to speak for these groups, rather we are pointing out a pattern regarding their responses to the CNSC. It is also important to note that not all the recent submissions are discussed below; the submissions shown are those that explicitly state their concerns with the lack of authentic communication and quality consultation processes.

## New Brunswick

**The Passamaquoddy Recognition Group Inc.** (PRGI) filed a submission in October 2023 related to the 2022 Regulatory Oversight Report for the Point Lepreau Nuclear Generating Station. The PRGI submission expressed respect and hope for further relations with the CNSC. PRGI noted that only one of their 41 recommendations from their review of the 2021 Regulatory Oversight Report was simply accepted – however in the 2022 report, the PRGI recommendation did not show up. PRGI recommendations are not being integrated; instead, the CNSC has promised only "future discussions."

**Mi'gmawe'l Tplu'taqnn Incorporated** made a CNSC submission in March 2022 related to NB Power's licence renewal for the Point Lepreau Nuclear Generating Station. Their submission began with Mi'gmaq's history and their historical connection to the land. Mi'gmawe'l Tplu'taqnn stated it is the Crown's duty to consult and accommodate the Mi'gmaq on actions that may infringe upon their rights. They emphasize the responsibility of the CNSC to continue an ongoing conversation and to allow a willingness to accept Indigenous-led studies.

**The Wolastoqey Nation** in New Brunswick filed a submission in September 2022 for the Regulatory Oversight Report for the Point Lepreau Nuclear Generating Station. The Wolastoqey Nation wrote how the CNSC believes the nuclear site is meeting its regulatory requirements, however in the group's eye there is much that could be improved. They leave it open to the CNSC that things can improve for the future.

## Quebec

**Algonquins of Barriere Lake / Mitchikanibikok Inik** sent their most recent submission to the Canadian Nuclear Safety Commission (CNSC) in June 2023 related to Canadian Nuclear Laboratories' licence application for the Near Surface Disposal Facility (NSDF) at Chalk River. In their submission, they wrote that attempts by the CNSC and Canadian Nuclear Laboratories at consultation with the Algonquin Nation Secretariat and Algonquin Anishinaabeg Nation Tribal Council had been adequate. However, Algonquins of Barriere Lake stand by the fact that the CNSC has not fulfilled the Crown's duty to consult and accommodate. Their submission includes a lengthy list of issues the CNSC has not addressed, such as ensuring support was in place to understand and receive oral evidence.

**The Kebaowek First Nation's** final submission to the CNSC in June 2023 was also regarding the Canadian Nuclear Laboratory's licence application for the Near Surface Disposal Facility (NSDF) close to Kichi Sibi (Ottawa River). The submission states that Kebaowek First Nation's rights regarding the land were not being properly respected and the CNSC was not appropriately communicating with the community. Kebaowek wants a declaration from the Federal Court that the CNSC breached its duty to consult by failing to obtain Kebaowek's informed consent, as per article 29 of the UN Declaration. Kebaowek First Nation have been called caretakers of the land since the 1700s; they have a strong duty to protect their ancestral home and consultation has not been held to the necessary standard. Indigenous consultation was a late addition to the process of developing nuclear projects in their area.

**The Wolf Lake First Nation** submission in May 2022 was also related to the application for a licence to build the Near Surface Disposal Facility (NSDF) at Chalk River. The Wolf Lake First Nation submission began by explaining their history and connection to the earth, sky, and water within their land. The community has an ancestral duty to keep their home healthy and safe for their future generations. They have faced challenges with contamination in their waters and feel that consultation was not effective. Early on in their relationship with the Canadian government, it was obvious that they were not being respected. When the Chalk River nuclear site was developed in 1944, the government did not consider the safety of their community. "No assessment was undertaken to determine how the nuclear complex might affect upstream or downstream areas of the Kitchi Sibi." The CNSC failed to properly reach out to Wolf Lake First Nation, stating that the community had a "lack of participation." On the contrary, Wolf Lake First Nation wrote that the CNSC did not establish a proper line of communication.

## Ontario

**The Algonquins of Pikwakanagan First Nation** presented and sent a written submission to the Canadian Nuclear Safety Commission in 2023 related to the 2022 Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities licenced to four companies in Ottawa and Pembroke, Ontario. The Pikwakanagan submission expressed appreciation for the funding to conduct their own assessment; however, Pikwakanagan was disappointed to find that the CNSC had not included in their report the criteria that Pikwakanagan had previously given to the CNSC, which at the time, CNSC had stated that they would consider in the report.

**The Curve Lake First Nation** submission in November 2023 responded to the application by Ontario Power Generation to extend the operation of Pickering Nuclear Generating Station Units 5 to 8 until December 31, 2026. In their report, Curve Lake raised concerns about the impact to Indigenous and treaty rights: the regulator and proponents did not provide details regarding how they "considered or complied with the Gunshot Treaty (1877-87), the Williams Treaties (1923) or the Williams Treaties Settlement (2018). As such, it remains unclear as to how the CNSC and Ontario Power Generation have meaningfully considered, consulted, and accommodated impacts to Curve Lake First Nation's rights." Curve Lake First Nation continues to express they have a strong relationship with the CNSC and request engagement to discuss requisite information for a complete understanding of the potential impacts to the inherent, Aboriginal and treaty rights of Curve Lake First Nation.

**The Grand Council Treaty** #3 submission in October 2022 was for the Regulatory Oversight Report for Canadian nuclear sites for 2021. Their submission conveyed their needs for inclusion and a relationship with the CNSC. Grand Council Treaty #3 asked that future Regulatory Oversight Reports include their feedback and incorporate an Anishinaabe law known as Manito Aki Inakonigaawin (Great Earth Law). Grand Council Treaty #3 states that the CNSC has not shown where the Grand Council's previous recommendations have been included, and that there was no engagement with the Grand Council when the Regulatory Oversight Report was being written, a clear failure of the CNSC's promise to successfully interact with Indigenous groups. Grand Council Treaty #3 also asks for more community engagement sessions after the CNSC's information sessions. They want full community engagement so that all members understand the circumstances, and to continue the conversation on nuclear with the CNSC.

### 6.2.3 The CNSC and Indigenous Consultation

As discussed earlier, Indigenous peoples have unique rights and are rights-holders in matters involving nuclear activities in their territories. These rights include the Crown's duty to consult Indigenous peoples before initiating nuclear projects which may have an adverse impact on Indigenous rights.

**UN Declaration on the Rights of Indigenous Peoples, Article 29(1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for Indigenous peoples for such conservation and protection, without discrimination.**

The Crown relies on the CNSC to fulfill these constitutional obligations. The obligations of the Canadian Nuclear Safety Commission (CNSC) for Indigenous engagement, including consultation obligations, are outlined in their regulatory document 3.2.2 Indigenous Engagement. Indigenous consultation is in addition to the public participation opportunities discussed previously.

A common theme in the CNSC submissions by Indigenous organizations, as well as in the Indigenous statements discussed earlier in the report, is that the CNSC is failing to meaningfully consult with Indigenous organizations on matters involving nuclear power.

As a direct result of the CNSC's failure to meaningfully consult Indigenous nations, assorted nuclear projects and licensing decisions are proceeding without the Crown fulfilling its consultation obligations.

In New Brunswick, these projects include the continued production of high-level nuclear waste by the existing Point Lepreau reactor, and the proposals to develop multiple experimental nuclear reactors at the Point Lepreau site and to construct new waste disposal facilities and aquatic infrastructure in the Bay of Fundy.

The Passamaquoddy Recognition Group (PRGI) believes that the direct, indirect and cumulative effects of currently proposed and operational nuclear activities on their rights, interests and lands are significant, particularly since all these projects are proposed within Peskotomuhkati traditional territory.

Appendix 9.4 is a copy of a letter from PRGI to the federal Minister of Energy and Natural Resources. The letter asks the Minister to intervene to carry out the Crown's consultation obligations until the Canadian Nuclear Safety Commission has demonstrated its ability to meaningfully consult and has in place a sufficiently robust, shared Crown-Indigenous decision-making process that can meaningfully consider and respect Peskotomuhkati rights.

# 7. RELATED NEWS

To complete this report, we draw attention to six recent developments, presented below in chronological order. Three are recent – July 2024 – with the last one offering a positive alternative energy source to nuclear energy: utility-scale wind power.

### December 2022: Environment Minister rejects a request supported by Indigenous Nations to designate two new nuclear projects for an Impact Assessment

Both the Passamaquoddy Recognition Group (PRGI) and the Wolastoq Grand Council sent letters of support for a request in June 2022 to the federal Minister of the Environment to designate the experimental nuclear projects planned for Point Lepreau for a federal Impact Assessment.

The comprehensive request (prepared with legal counsel) included details of the novel radioactive wastes the projects would generate. A federal Impact Assessment would consider the cumulative effects impact of the projects on Indigenous rights.

Certain nuclear projects – like the experimental nuclear reactors planned for Point Lepreau – are exempt from federal Impact Assessment, unless they are designated for review by the federal Minister of the Environment. The Canadian Nuclear Safety Commission successfully lobbied the government to exempt these reactors when the Impact Assessment Act was being drafted in 2019.

In December 2022 the Minister rejected the designation request. The CBC covered the story. In 2023, a second request to designate one of the projects, ARC-100, for an Impact Assessment was also refused. Background information and the relevant documents are on the website of the Coalition for Responsible Energy Development in New Brunswick (CRED-NB).

**Instead, the Province of New Brunswick, which is promoting and financially supporting the ARC-100 nuclear experiment on the Bay of Fundy, is conducting an environmental impact assessment that does not include the broad and cumulative effects of the project on Indigenous rights.**

### September 2023:First Nations "invest" in nuclear projects for economic development?

In September 2023, the North Shore Mi'kmaq Tribal Council in New Brunswick and its member First Nations reportedly purchased $3 million in future share value in two start-up nuclear companies that promised economic development opportunities. Later reports indicated that no First Nation money was invested, and the companies need Indigenous support to secure public funding.

These two companies have failed to secure enough private funding for their experimental reactor designs after six years of trying. They are making unrealistic promises to secure Indigenous support in their attempts to get more public funding.

### June 2024: Government announces a new plan to get nuclear projects built faster, with fewer regulations

In June 2024, a committee of federal cabinet ministers released an Action Plan, "Building Canada's Clean Future," to get energy projects built faster.

The plan begins with a statement about advancing reconciliation with Indigenous peoples: "Indigenous consultation and participation must be at the heart of what we do as all paths to net zero require the full participation of Indigenous Peoples … Recognizing and integrating Indigenous knowledge into decision making, respecting Indigenous rights and interests, honouring commitments from treaties, and furthering economic opportunities for mutually beneficial partnerships leads to positive outcomes."

The plan then affirms the government's commitment to expanding nuclear power in Canada. To make this happen more quickly, the plan involves streamlining the permitting process, under a strategic objective to "support regulatory efficiency for nuclear projects." The goal is to reduce the time required for a nuclear proponent to get a permit to build a new reactor.

The plan also includes aligning federal, provincial and industry resources "to ensure nuclear energy remains a strategic asset to Canada now and into the future."

### July 2024: Kebaowek First Nation v Canadian Nuclear Laboratories in Federal Court

In January 2024, the Canadian Nuclear Safety Commission (CNSC) approved the licence application by Canadian Nuclear Laboratories to construct a low-level radioactive waste facility on the traditional territory of multiple Algonquin First Nations.

This project, known as the Near Surface Disposal Facility (NSDF), is the focus of submissions to the CNSC in 2022 and 2023 by Kebaowek First Nation, Algonquins of Barriere Lake, Kitigan Zibi Anishinabeg First Nation, Wolf Lake First Nation, Algonquins of Pikwakanagan First Nation, Curve Lake First Nation, and Métis Nation of Ontario. (These submissions are listed in Appendix 9.3.)

In February 2024, Kebaowek First Nation filed for a Federal Court judicial review of the CNSC decision to approve the NSDF project. The court hearing was held in July this year and Kebaowek is currently awaiting the court's decision.

Kebaowek is seeking a declaration from the Federal Court that the CNSC breached its duty to consult by failing to obtain Kebaowek's free, prior and informed consent, per Article 29 of the UN Declaration.

In their notice of application, Kebaowek First Nation argues that the Canadian Nuclear Safety Commission erred in refusing to consider the UN Declaration within its decision-making and duty to consult process, noting: "in ensuring that the honour of the Crown is upheld, the UN Declaration is relevant to determining the scope and depth of the duty to consult."

### July 2024: Northwestern Ontario town votes to become "willing host" for nuclear waste

Multiple news organizations reported in July that the small Northern Ontario town of Ignace voted to become a "willing host community" for a proposed Deep Geological Repository to store all Canada's high-level radioactive waste. High-level waste (used nuclear fuel) is the most hazardous kind and will remain dangerous to life for hundreds of thousands of years.

The nuclear industry's Nuclear Waste Management Organization has said that by the end of 2024, it will choose between two "candidate sites" to be the one for the proposed repository.

However, Ignace is a proxy site designated by the nuclear industry. The candidate site in Northern Ontario is 45 kilometres west of Ignace and in a different watershed. The industry gave the proxy site of Ignace (population 1,200) more than $10 million leading up to the town's "yes" vote. Many concerns have been raised about the "willing host" concept and the industry's process to choose a site for the proposed Deep Geological Repository.

**The Nishnawbe Aski Nation, the Anishinabek Nation, the Ojibway Nation of Saugeen, Grassy Narrows First Nation, Grand Council Treaty #3, Lac Seul First Nation, Michipicoten First Nation and Pic Mobert First Nation have all published statements opposing the storage of nuclear waste in their traditional territories in Northern Ontario. Their statements are included in Appendix 9.2.**

The Canadian Environmental Law Association has raised ethical and technical concerns about the Deep Geological Repository plan and the concept of the "willing host community." Promising compensation, jobs and economic benefits to marginalized and Indigenous communities as a way of convincing them to accept potential harm is a form of injustice.

### July 2024: Cost of power from wind farm co-owned by Indigenous Nation lower than expensive nuclear power

The final news story is a positive development. The CBC reported that the Burchill Wind Farm in New Brunswick was producing power at about half the cost of power by the public utility, NB Power. The utility-scale Burchill Wind farm, located next to the Bay of Fundy west of the city of Saint John, is co-owned by the Neqotkuk Maliseet Nation at Tobique and the Nova Scotia-based wind energy company Natural Forces. The wind turbines began operating last summer, producing power for Saint John. This story came out when NB Power was in public hearings to request an almost 20 percent increase in electricity rates for residential customers in New Brunswick. The information shared at the hearing revealed that NB Power is in serious financial trouble, due in large part to the poor performance and frequent unscheduled shutdowns of the Point Lepreau nuclear reactor.

The success of the Burchill Wind farm is a good way to end this report on a positive note: it shows that Indigenous nations can own successful energy projects. Wind power is a clean and renewable energy source that can create jobs and economic development for Indigenous communities without producing dangerous radioactive waste that will burden future generations.

# 8. CONCLUSION

Indigenous communities continue to speak out about nuclear energy and radioactive waste. We analyzed the 30 nuclear statements we could find by Indigenous communities in New Brunswick, Quebec and Ontario. Their statements demonstrate that many Indigenous peoples recognize the potential risks posed by nuclear activities in their homelands.

These Indigenous communities do not support more nuclear development and the transport and storage of nuclear waste on their homelands. Producing and storing nuclear waste on their territories without their free, prior and informed consent is a violation of their Indigenous rights. They seek justice for their communities now and for the generations to come.

The Canadian Nuclear Safety Commission (CNSC) has made opportunities available for Indigenous rights-holders to participate in the regulatory process. Since 2018, Indigenous organizations have taken the opportunity to submit more than 125 documents to the CNSC outlining concerns about existing and proposed nuclear projects.

A common theme in the most recent submissions is that the CNSC is not hearing and acting upon their Indigenous voices, and their right to be consulted on nuclear projects is not being fulfilled.

Why are Indigenous communities not being heard and adequately consulted? Our brief review of nuclear colonialism and environmental injustice provides some context.

**Colonialism is an ongoing event in Canada. To support the nuclear industry, the Canadian government seems willing to deny the rights of Indigenous peoples.**

The federal government's recent "Building Canada's Clean Future" plan to get nuclear projects built faster, with fewer regulations, is in direct conflict with the desire of many Indigenous communities for more consultation and to slow down or stop more nuclear development.

If Indigenous rights were respected, Indigenous opposition to nuclear projects would make further nuclear development difficult or impossible.

Some Indigenous communities are persuaded to support nuclear projects, by assurances of economic development. There is no evidence nuclear projects will yield economic returns, but nuclear proponents need Indigenous support to secure public funding. We could find no public statements by First Nations welcoming the production or storage of nuclear waste on their territories.

We discussed the concept of environmental injustice. This year, the industry's Nuclear Waste Management Organization is planning to name one of two communities in Ontario to be the "willing host community" for all of Canada's hazardous high-level nuclear waste.

The industry has given potential communities tens of millions of dollars to convince them to be "willing" hosts for the storage of high-level nuclear waste, and that these communities have used most of the funds to provide community services they would otherwise not be able to afford. This goes against the principles of environmental justice; it is considered wrong to inflict environmental harm on a community in need of funding even if it is willing to accept payment for the harm.

Used nuclear fuel, high-level waste, takes hundreds of thousands of years to decay. This means that nuclear energy creates intergenerational injustice. The literature review highlighted that: "people not yet born will inherit this hazardous waste and the associated challenges, but they will not benefit in any way from our generation's use of nuclear reactors to produce electricity" (Höffken & Ramana, 2023, p. 4). The CEDAR research project that co-published this report has many publications on its website explaining why nuclear energy is not a solution to the climate crisis.

The federal government is supporting the development of nuclear energy for strategic, political, reasons. Alternatives exist for the energy transition, and Indigenous communities have shown that utility-scale wind energy projects, for example, can be successful.

In closing, we highlight a quote from Chief Akagi's foreword to this report:

**"My message is simple and clear. Help me preserve the future. Let us help you: work with us to stop the production of nuclear waste. Together, let's make sure the existing waste is not abandoned but monitored and cared for to keep it isolated from future generations and all my relations."**

# 9. LIST OF APPENDICES

## 9.1 ANNOTATED BIBLIOGRAPHY

This appendix includes annotations for 17 publications that discuss nuclear issues relative to Indigenous communities in Canada and the U.S.

## 9.2 SUMMARIES OF INDIGENOUS PUBLIC STATEMENTS

Appendix 9.2 contains summaries of the 30 statements available online by Indigenous representative organizations related to nuclear power and nuclear waste, including hyperlinks to the full statements.

## 9.3 LIST OF INDIGENOUS SUBMISSIONS TO THE CNSC

This appendix lists all 127 submissions to the Canadian Nuclear Safety Commission (CNSC) since 2018 (with hyperlinks) by recognized Indigenous representative groups and nations in New Brunswick, Quebec and Ontario.

## 9.4 LETTER TO THE MINISTER OF ENERGY AND NATURAL RESOURCES

This appendix is a copy of a recent letter from Chief Hugh Akagi to the federal Minister of Energy and Natural Resources requesting that the Minister fulfill the Crown's consultation obligations for nuclear projects in Peskotomuhkati territory.

# 9.1 ANNOTATED BIBLIOGRAPHY

We searched for published research and reports with analysis of Indigenous communities in Canada and the U.S. and nuclear energy, and we chose 17 publications. The report includes discussion of two central concepts in the literature, nuclear colonialism and environmental injustice; two publications analyze these concepts in relation to Indigenous people and toxic materials more generally.


Becker, T., Biegert, C., Hamm, H., Hermeyer, G., Kriener, M., LaDuke, W., Pentz Gunter, L., Pepper, M., Schneider, M. & Snyder, S. (2020). *Uranium atlas: Facts and data about the raw material of the atomic age.*

Coates, K. & Landrie-Parker, D. (2016). Northern Indigenous peoples and the prospects for nuclear energy.

Dressler, H. (2024). Canada's Nuclear Colonialism: Capitalist Realism and the Neoliberal Public Sphere.

Endres, D. (2009). The rhetoric of nuclear colonialism: Rhetorical exclusion of American Indian arguments in the Yucca Mountain nuclear waste siting decision.

Gray-Cosgrove, C. (2015). Bedrock stories: a critical geography of radium and uranium mining in the Sahtu region, Northwest Territories.

Harding, J. (2007). *Canada's deadly secret: Saskatchewan uranium and the global nuclear system*.

Höffken, J. & Ramana, M. V. (2024). Nuclear power and environmental injustice.

Hoffman, S. M. (2001). Negotiating eternity: energy policy, environmental justice, and the politics of nuclear waste.

Liboiron, M. (2021). *Pollution is colonialism.*

Maurer, A. & Hogue, R.H. (2020). Introduction: Transnational Nuclear Imperialisms.

Moore-Nall, A. (2015). The legacy of uranium development on or near Indian reservations and health implications rekindling public awareness.

Rekmans, L., Lewis, K. & Dwyer, A. (Eds.). (2003). *This is My Homeland: Stories of the effects of nuclear industries by people of the Serpent River First Nation and the north shore of Lake Huron*.

Scottie, J., Bernauer, W. & Hicks, J. (2022). *I Will Live for Both of Us: A History of Colonialism, Uranium Mining, and Inuit Resistance.*

Tanguay, L. (2024). No depth in shallow promises: Unfolding the green narrative of nuclear into the burden of wastes.

Vickery, J. & Hunter, L. M. (2016). Native Americans: Where in Environmental Justice Research?

Waldron, I. R. (2021). *There's something in the water: environmental racism in Indigenous & Black communities.*

Yoneyama, L. (2024). Co-conjuring: Practicing decolonial nuclear criticism.

**Becker, T., Biegert, C., Hamm, H., Hermeyer, G., Kriener, M., LaDuke, W., Pentz Gunter, L., Pepper, M., Schneider, M. & Snyder, S. (2020). *Uranium atlas: Facts and data about the raw material of the atomic age (1st edition).* Published by Nuclear Free Future Foundation, Rosa-Luxemburg-Stiftung, Beyond Nuclear and International Physicians for the Prevention of Nuclear War (IPPNW). https://www.nuclear-free.com/uranium-atlas.html**

This comprehensive report is packed full of data about the atomic age taking the reader around the world and throughout history to present time. The preface is written by Winona LaDuke, a well-known activist, author, and member of the Anishinabe Nation. The section on Canada includes uranium mining and nuclear waste dumps. The Atlas focuses on the harms experienced and the many forms of resistance by Indigenous populations throughout the atomic age. It is no surprise that this Atlas, full of warnings and undisputed truths about the dangers that exist in the context of nuclear power, ends with a page explaining the global potential for renewable energy moving forward, which does not include the expansion of nuclear technology.

**Coates, K. & Landrie-Parker, D. (2016). Northern Indigenous peoples and the prospects for nuclear energy. Northern Nuclear Projects, International Centre for Northern Government and Development, June. https://hdl.handle.net/10294/12335**

This report highlights the economic challenges of Indigenous people living in northern and remote communities, and how high energy costs are due to their less than convenient location for delivering fuel and maintaining electrical systems. They cite poor water quality and high housing costs to support their claim that introducing small nuclear reactors will improve the communities' quality of life, although they provide no evidence for this claim. Interestingly, the authors position small nuclear reactors as 'cost effective' technology while considerable authoritative research shows the opposite. This work also mentions that most government or power utilities are unable to feasibly implement these reactors without the full support of local communities involved. Although the authors are tasked with the need to assess northern Indigenous populations' attitude toward nuclear energy, they neglect to include Indigenous attitudes toward uranium mining.

**Dressler, H. (2024). Canada's Nuclear Colonialism: Capitalist Realism and the Neoliberal Public Sphere. *Canadian Journal of Communication, 49(1*), 5-37. https://cjc.utpjournals.press/doi/full/10.3138/cjc-2022-0074**

This article analyzes how corporate media articles about nuclear power marginalize the voices of Indigenous nations who are challenging the technocratic, market-focused, and growth- oriented solutions to the climate crisis. The news media is profoundly biased toward the views of the nuclear industry and its government allies. These sources underemphasize the risk of proposed smaller nuclear reactors. They also delegitimize criticism and promote neoliberal capitalism and colonialism. On the other hand, Indigenous voices promote counter-discourses that prioritize intergenerational environmental sustainability. The author urges scholars and activists to "begin problematizing commonplace narratives" about nuclear energy that "fail to account for the joint issues of colonialism, overproduction, and overconsumption."

**Endres, D. (2009). The rhetoric of nuclear colonialism: Rhetorical exclusion of American Indian arguments in the Yucca Mountain nuclear waste siting decision. *Communication and Critical/Cultural Studies, 6(1)*, 39-60. https://www.tandfonline.com/doi/full/10.1080/14791420802632103**

This article describes nuclear colonialism as a rhetorical event in which the discourse of colonialism and nuclearism justifies the continued disproportionate and unjust use of Indigenous lands to sustain national interest in nuclearism. Endres focuses on the United States and the Yucca mountain high-level waste repository siting process as she reviews American Indian opposition and the strategies used against them to attempt to exclude them from the siting process. The rhetorical strategies used to exclude American Indians in the US include government naming practices, the industry's shifting the burden of proof, and finally strategic silence which relies on and circles back to the discourse of colonialism, portraying American Indians as successfully assimilated.

**Gray-Cosgrove, C. (2015). Bedrock stories: a critical geography of radium and uranium mining in the Sahtu region, Northwest Territories. Masters thesis, Memorial University of Newfoundland. https://research.library.mun.ca/9792/**

This thesis explores how industrialization of the north became normalized, specifically with uranium mining in the Sahtu region of the Northwest Territories. The author also explores how current policies are affected by this historical normalization and examines negotiations around health and environmental assessments near radioactively contaminated sites in the Sahtu territory. The author's historical approach focuses on the rise of industrial discourse in Northern Canada throughout the twentieth century. This, of course, has led to the current discourses we experience today around uranium mining and nuclear power and the way we view Indigenous people and their lands.

**Harding, J. (2007). *Canada's deadly secret: Saskatchewan uranium and the global nuclear system.* Fernwood Publishing. https://fernwoodpublishing.ca/book/canadas-deadly-secret**

Harding's book describes the struggle over uranium mining in Saskatchewan and its impacts on Indigenous rights and environmental health. Harding describes Saskatchewan's key role in nuclear proliferation and the spread of contamination and cancer. He shows that nuclear energy cannot address global warming, nor is there a "peaceful atom." The book exposes public relations campaigns that use half-truths and untruths to bring nuclear propaganda into schools. The author foresees a situation of wanting nuclear energy for extracting oil from the tar sands that, interestingly, is being proposed today to promote the development of smaller, experimental reactors. Harding also highlights successes that held back nuclear expansion. The book also presents an alternative, ecological vision for a sustainable future using renewable energies, linking energy, the environment, health and peace and sovereignty.

**Höffken, J. & Ramana, M. V. (2024). Nuclear power and environmental injustice. *WIREs Energy and Environment, 13(1),* e498. https://doi.org/10.1002/wene.498**

The authors challenge the current popular discourse on nuclear power, looking beyond what the technology is capable of when posed as a mitigator to climate change. Nuclear power brings along with it many forms of injustice. This is especially important to articulate due to the increased emphasis on incorporating justice into energy policy as we transition from fossil fuels to renewables. The authors point out that just because nuclear power can be seen as a viable option to help mitigate climate change, we should not ignore the downsides of environmental injustice for Indigenous people, the potential for weapons proliferation if nuclear power technology expands, and the high risk for contamination of radioactive material from accidents.

**Hoffman, S. M. (2001). Negotiating eternity: energy policy, environmental justice, and the politics of nuclear waste. *Bulletin of science, technology & society*, 21(6), 456-472. https://journals.sagepub.com/doi/abs/10.1177/027046760102100604**

The author critiques the "environmental justice" concept and its use in practice. One challenge is proponents of hazardous sites de-linking instances of adverse or disproportionate impacts from discriminatory intent, for example, claiming that negative health impacts of populations near a hazardous site are unrelated to the hazards. The author posits that one of the most important social movements of the present time is the pursuit of environmental justice claims when marginalized communities are targeted in the siting of noxious facilities. The article reviews many cases of attempts to use environmental justice arguments and the challenges involved. For example, the U.S. Nuclear Regulatory Commission asserted that because they can foresee no feasible ways that casks of high-level waste can be breached, there can be no claim of adverse impact or harm to cultural values, and therefore no environmental justice claim. The author also believes that these struggles for environmental justice will intensify around energy issues in years ahead.

**Liboiron, M. (2021). *Pollution is colonialism*. Duke University Press. https://www.dukeupress.edu/pollution-is-colonialism**

Although this book does not address nuclear issues, the author's highly cited analysis is relevant for its critique of the scientific practices used to identify and measure pollution. The author analyzes how these practices reinforce colonial worldviews and access to land. Canadian regulations that set maximum levels of concentrations of harmful substances are described as the "permission-to-pollute system." The theory of "assimilative capacity," that the natural environment can absorb a specified amount of contaminant before harm occurs, is a colonial approach to land relations. "Assimilative capacity" reduces land and water to sites of storage for waste rather than complex "relations to fish, spirits, humans, water and other entities." The process supports colonial goals of dispossession and enclosure of lands. Using the author's framework, "thresholds" that measure levels of radioactive materials in the environment can be another expression of nuclear colonization and environmental injustice.

**Maurer, A. & Hogue, R.H. (2020). Introduction: Transnational Nuclear Imperialisms, *Journal of Transnational American Studies, 11(2).* DOI 10.5070/T8112050495**
**https://escholarship.org/uc/item/57k5g5pc**

This work focuses on a meeting for Indigenous anti-nuclear activists and scholars of nuclear studies across their defined areas of specialty around the globe. Collectively they understand how imperialism and transnational structures keep the nuclear industrial complex alive. The important messages and voices from this forum understand how the development of nuclear technology has been possible only through systems allowing Indigenous lands to be stolen. The nuclear industrial complex has wreaked decades of exploitation, destruction and displacement on Indigenous communities, highlighting the importance of organizing and supporting a transnational dialogue about nuclear studies. The authors shine a light on strategies of Indigenous resistance to shift the attention away from the mainstream nuclear discourse. This strategy is described as a way not only to talk back to oppressors but also for Indigenous and anti-nuclear activists to talk to each other and offer solace, strength and humor while formalizing a plan to produce a transnational nuclear framework.

**Moore-Nall, A. (2015). The legacy of uranium development on or near Indian reservations and health implications rekindling public awareness. *Geosciences 5(1),* 15-29.**
**https://doi.org/10.3390/geosciences5010015**

This article reviews studies of the effects of uranium procurement, primarily in the U.S., on or near Indigenous lands. Often the health effects are not realized until after the mines are closed, when the problems associated with mining or cleanup may already be impacting the health of the population. During WW II, the Manhattan Project effort to build the first atomic bomb was conducted mainly at the Los Alamos National Scientific Laboratory in New Mexico, on land supposedly reserved for the exclusive use and occupancy of the San Ildefonso Pueblo. After the war, the peak of uranium production in the U.S. from about 1948 to the early 1980s was primarily to produce uranium for weapons and later to fuel nuclear reactors producing electricity. The U.S. Environmental Protection Agency (EPA) has identified 15,000 abandoned uranium mine locations with uranium occurrence in 14 western states. About 75% are on federal and tribal lands. Mining uranium by underground or surface methods produces considerable waste. Mining also unearths waste rock and soil that offers no other use but poses health risks to livestock, families, and children who rely on nearby lands for their survival. The author explores if uranium mining is contributing to the known poor health inequalities experienced by Indigenous peoples living near or on abandoned uranium mine sites. The review finds that the quest for uranium plus the disposal and storage of radioactive waste continues to contribute to poor health among many Indigenous populations including many cancer clusters and other ailments.

**Rekmans, L., Lewis, K. & Dwyer, A. (Eds.). (2003). *This is My Homeland: Stories of the effects of nuclear industries by people of the Serpent River First Nation and the north shore of Lake Huron*. Cutler, Ont.: Serpent River First Nation.**
**https://raven-research.org/wp-content/uploads/2022/05/This-is-my-homeland.pdf**

The uranium mining near Elliot Lake in Ontario left a legacy of environmental degradation that continues to negatively impact the people of Serpent River First Nation long after the mines closed. In this book, community leaders describe how the Canadian policy of assimilation and wage economy changed the lives and culture of their people. They recount their many long-term efforts to rectify the permanent losses suffered, insisting that companies and governments assume responsibility for the damage and perpetual hazards caused by the nuclear industry. In the book, Elders share their experiences as uranium miners and engineers in the deep pit mines and as workers in the sulfuric acid plant. They recount the experiments conducted on them, accidents, the premature loss of many of their generation to cancers, the insufficient monitoring and fluctuating of radiation exposure standards, and their fears for the future. Members of the Algoma-Manitoulin Nuclear Awareness Group speak of successful organizing to stop nuclear power plants from being built, and their unsuccessful efforts to prevent the construction of a uranium refinery in Blind River, now the largest uranium processing plant in the world.

**Scottie, J., Bernauer, W. & Hicks, J. (2022). *I Will Live for Both of Us: A History of Colonialism, Uranium Mining, and Inuit Resistance.* Univ. of Manitoba Press.**
**https://uofmpress.ca/books/i-will-live-for-both-of-us**

The lead author spent decades protecting the Inuit hunting way of life from the uranium mining industry. She and her community of Baker Lake twice successfully stopped a proposed uranium mine. This book is her personal reflection on the political and environmental history since WW II of the area now known as Nunavut. She calls for a future where Inuit traditional laws and values are respected and upheld. The analysis includes gender relations in traditional Inuit camps, the emotional dimensions of colonial oppression, Inuit experiences with residential schools, the politics of gold mining, and Inuit traditional laws regarding the land and animals. The book provides key insights into Inuit history and politics, resource management, and the nuclear industry.

**Tanguay, L. (2024). "No depth in shallow promises: Unfolding the green narrative of nuclear into the burden of wastes." Presentation at the Annual Conference of the Society for Socialist Studies, Montreal, June 17.**

Tanguay uses environmental justice and nuclear colonialism as conceptual frameworks for her presentation. She questions how nuclear power is viewed as a solution to climate change and highlights its link to nuclear weapons production through nuclear fuel reprocessing. The stages of the nuclear fuel cycle explain how uranium mining has negative and life-altering health implications for the Dene women in close proximity to nuclear facilities when contamination occurs. Her presentation also explores the concept of social license and highlights Indigenous opposition to both the Deep Geological Repository and Near Surface Disposal Facility projects planned for Ontario, and the disproportionate implications of nuclear power for Indigenous communities.

**Vickery, J. & Hunter, L. M. (2016). Native Americans: Where in Environmental Justice Research?** ***Society & natural resources*****,** ***29(1),*** **36–52. https://doi.org/10.1080/08941920.2015.1045644**

This article reviews literature relevant to Native Americans and environmental justice. Standard environmental justice indicators often do not capture Indigenous experiences of environmental injustice because of their cultural distinctiveness. The authors highlight the challenges of clarifying the term "Native American" and the need for different research approaches given Indigenous sovereignty over their lands and communities. These distinctions explain why Native Americans are often overlooked in environmental justice considerations, largely due to the roots of modern environmental justice in western science that do not include American Indian points of view. Throughout the review, the authors delve deep into each of these challenges that set Native Americans apart.

**Waldron, I. R. (2021).** ***There's something in the water: environmental racism in Indigenous & Black communities.*** **Fernwood Publishing.**
**https://fernwoodpublishing.ca/book/there8217s-something-in-the-water**

This book is one of two in this appendix that does not address nuclear issues; it is included for its discussion of environmental racism in Canada more broadly. Settler colonialism is the overarching theory for Waldron's analysis of how environmental racism is a mechanism of erasure. Environmental racism is enabled by white supremacy, power, state-sanctioned racial violence, neoliberalism and racial capitalism in white settler societies. In Nova Scotia, the environmental justice narrative does not address race directly, instead obscuring race within discussions of class. This makes it difficult to appreciate Mi'kmaq and African Nova Scotian experiences with racism and environmental hazards. Waldron highlights struggles in Nova Scotia including Idle No More, the Alton Gas Storage project, the East Lake landfill and others to develop a critical dialogue on environmental racism and strategies for continuing the struggle.

**Yoneyama, L. (2024). Co-conjuring: Practicing decolonial nuclear criticism.** ***Apocalyptica, Special Issue: Nuclear Ghosts*****,** ***2(1).*** **https://doi.org/10.17885/heiup.apoc.2023.1.24894**

Yoneyama seeks to find and represent the entangled relationships from seemingly distinct nuclear catastrophes, for example the "radiogenic harm" suffered by Indigenous communities, the WWII atom bombs dropped on Japan, and nuclear reactor meltdowns. Her analysis of creative outputs including films reveals that the nuclear world we live in, and what we know about nuclear energy, is manufactured purposely to sustain nuclearism, colonialism, and modernity. By the practice of co-conjuring, Yoneyama challenges the belief that the associations among different nuclear histories cannot be found and understood.

# 9.2 SUMMARIES OF INDIGENOUS PUBLIC STATEMENTS

This appendix contains the 30 statements we were able to find online by Indigenous representative organizations in New Brunswick, Quebec and Ontario related to nuclear energy and radioactive waste. Documents include resolutions passed, statements on websites, media releases and letters to government officials. In some cases, letters or media releases refer to previously published statements; we only included those that contained new information. We excluded news reports not written by the Indigenous communities themselves as we could not verify the accuracy of the information. URLs worked at the time of publication. Multiple statements are listed in reverse chronological order.

**Joint declarations**

Assembly of First Nations (AFN)
Iroquois Caucus and Anishinabek Nation
Nishnawbe Aski Nation (NAN)
Anishinabek Nation / Union of Ontario Indians
Chiefs of Ontario
Anishinabek Nation, Mushkegowuk Council, and Onkwehonwe
Algonquin Anishinabeg Nation Tribal Council
Kebaowek First Nation and Algonquin Anishinabeg Nation Tribal Council

**Individual Nation, First Nation and traditional Grand Council statements**

Asubpeeschoseewagong Netum Anishinabek First Nation
Fort William First Nation
Grand Council Treaty #3
Kebaowek First Nation
Kitigan Zibi Anishinabeg
Lac Seul First Nation
Michipicoten First Nation
Mississauga First Nation
Ojibway Nation of Saugeen
Pic Mobert First Nation # 195
Wolastoq Grand Council

**International declarations by Indigenous groups in Canada**

United Nations Permanent Forum on Indigenous Issues

# Joint declarations

## Assembly of First Nations (AFN)

The four AFN statements include a media release in 2024 and resolutions passed in 2023, 2018 and 2017

| | |
|---|---|
| Indigenous group / author(s): | **Assembly of First Nations -1**<br>National Chief Cindy Woodhouse Nepinak |
| nation / territory: | The statement refers to unceded Algonquin Territory |
| location: | AFN head office is in Ottawa |
| date: | **January 29, 2024** |
| heading: | AFN National Chief Cindy Woodhouse Nepinak Urges Consultation with First Nations on Chalk River Radioactive Waste Facility |
| type: | Press release on the AFN website |
| length and theme(s): | 1 page<br>Violation of Indigenous rights, and procedural inadequacies |
| contents: | National Chief Cindy Woodhouse Nepinak urges the Canadian government to consult with the Algonquin Nation before making any other decisions, especially ones that adversely affect the Nation. Her letter concerns the Chalk River nuclear waste dump, the Near Surface Disposal Facility (NSDF). The Canadian Nuclear Safety Commission (CNSC) determined the NSDF would not adversely affect First Nations, but many First Nations disagreed and were not adequately consulted. This violates Canadian environmental assessment law, international agreements, and Indigenous law. |
| link: | https://afn.ca/all-news/press-releases/afn-national-chief-cindy-woodhouse-nepinak-urges-consultation-with-first-nations-on-chalk-river-radioactive-waste-facility/ |

## Assembly of First Nations

| | |
|---|---|
| Indigenous group / author(s): | **Assembly of First Nations-2**<br><br>Chief Lance Haymond<br>Chief Jeffery Copenace |
| nation / territory: | Lance Haymond is Chief of Kebaowek First Nation<br>Jeffery Copenace is Chief of Ojibways of Onigaming First Nation |
| location: | Kebaowek First Nation administration is in Kebaowek, Quebec<br>and<br>Ojibways of Onigaming First Nation administration is in Sioux Narrows, Ontario |
| date: | **July 13, 2023** |
| heading: | Opposition of Nuclear Technology, Waste, Transport and Storage |
| type: | Resolution, # 37, passed at the AFN General Assembly |
| length and theme(s): | 3 pages (page 103, 104, 105)<br><br>Violation of Indigenous rights, seeking environmental justice, procedural inadequacies, no support for nuclear |
| contents: | Calls on the Government of Canada to adhere to the UNDRIP and demands free and prior consent for nuclear projects on First Nations land. Demands a meeting between AFN and the government of Canada about the Near Surface Disposal Facility (NSDF) and consultation policy. Refers to Section 15 of the Canadian Charter of Rights and Freedoms, "Eliminating Environmental Inequality." |
| link: | https://kebaowek.ca/Docs/NSDF/AFNResolutionNuclear.pdf |

## Assembly of First Nations

| | |
|---|---|
| Indigenous group / author(s): | **Assembly of First Nations-3**<br><br>Chief Duncan Michano<br>Chief Melvin Hardy |
| nation / territory: | Duncan Michano is Chief of the Ojibways of the Pic River First Nation (Biigtigong Nishnaabeg)<br><br>Melvin Hardy is Chief of Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay First Nation) |
| location: | Ojibways of the Pic River First Nation administration is in Heron Bay, Ontario<br>and<br>Biinjitiwaabik Zaaging Anishinaabek administration is in Macdiarmid, Ontario |
| date: | **December 6, 2018** |
| heading: | Small Modular Nuclear Reactors |
| type: | Resolution 62, passed at AFN meeting |
| length and theme(s): | 2 pages (pages 51 and 52)<br><br>No support for nuclear, violation of Indigenous rights |
| contents: | In this resolution, the Chiefs in Assembly demand: free, prior and informed consent (citing UNDRIP Article 29, section 2), the government to abandon plans to operate SMRs, and the government to seize funding and support for the SMR program. |
| link: | https://www.afn.ca/wp-content/uploads/2019/01/Combined-Final-2018-December-SCA-Resolutions_EN.pdf |

## Assembly of First Nations

| | |
|---|---|
| Indigenous group / author(s): | **Assembly of First Nations-4**<br><br>Chief R. Donald Maracle<br>Chief Elaine Johnston |
| nation / territory: | Donald Maracle is Chief of Mohawks of the Bay of Quinte<br>Elaine Johnston is Chief of Serpent River First Nation, known as Genabaajing |
| location: | Mohawks of the Bay of Quinte administration building is in Tyendinaga Mohawk Territory, Ontario<br>and<br>Serpent River First Nation administration is in Cutler, Ontario |
| date: | **July 27, 2017** |
| heading: | Opposition to nuclear waste disposal and abandonment |
| type: | Resolution 48, passed at the Annual General Assembly |
| Length and theme(s): | 2 pages<br><br>No support for nuclear, violation of Indigenous rights. |
| contents: | This resolution by the Chiefs in assembly demands free, prior and informed consent, referring to the UNDRIP. They want the AFN to urge the federal government to fulfill its duty to consult, accommodate and obtain consent of the Anishinabek Nation. |
| link: | https://afn.bynder.com/m/5a9a63b802886374/original/48-2017-Opposition-to-Nuclear-Waste-Disposal-and-Abandonment.pdf |

## Iroquois Caucus and Anishinabek Nation

| | |
|---|---|
| Indigenous group /author(s): | **Iroquois Caucus and Anishinabek Nation** |
| nation / territory: | The Iroquois Caucus: Akwesáhsne, Kahnawà:ke, Kahnesatá:ke, Oneida of the Thames, Six Nations of the Grand River, Tyendinaga, and Wahta.<br>The Anishinabek Nation advocates for 39 First Nations in Ontario. |
| location: | Iroquois Caucus office is in Ohseweken, Ontario<br>and<br>Anishinabek Nation office is in Nipissing First Nation, Ontario |
| date: | **Original in 2017, revised in 2020** |
| heading: | Joint Declaration between the Anishinabek Nation and the Iroquois Caucus on the Transport and Abandonment of Radioactive Waste |
| type: | Declaration |
| Length and theme(s): | 2 pages<br>Violation of Indigenous rights, procedural inadequacies. |
| contents: | These nations have jurisdiction over the Great Lakes and St. Lawrence River basins by treaties resulting in Aboriginal title over the land. Their declaration states five points of agreement summarized as: no abandonment of waste, better containment, monitor and retrievable storage, away from water, no import or exports. |
| link: | https://www.anishinabek.ca/2017/05/02/joint-declaration-between-the-anishinabek-nation-and-the-iroquois-caucus-on-the-transport-and-abandonment-of-radioactive-waste/<br><br>https://www.ccnr.org/Joint_Declaration_2020.pdf |

## Nishnawbe Aski Nation (NAN)

NAN passed two resolutions, in 2022 and 2009.

| | |
|---|---|
| Indigenous group / author(s): | **Nishnawbe Aski Nation-1**<br>Grand Chief Derek Fox,<br>Chief Wayne Moonias,<br>Chief Romana Sutherland. |
| nation / territory: | Nishnawbe Aski Nation (NAN)<br>Neskantaga First Nation<br>Constance Lake First Nation |
| location: | The NAN offices are in Thunder Bay and Timmins in Ontario<br>Neskantaga First Nation reserve is located on the shores of Attawapiskat Lake in Kenora, Ontario<br>Constance Lake First Nations central government office is in Hearst, Ontario |
| date: | **August 10, 2022** |
| heading: | NAN 40th Keewaywin Conference |
| type: | Resolution 22. Discussed on a YouTube Video recording of the conference (start at 1: 06: 32, and resolution carried at 1: 56:45) |
| length and theme(s): | 2 pages<br><br>No support for nuclear, violation of Indigenous rights, procedural inadequacies, seeking environmental justice |
| contents: | This video is a zoom recording of the NAN Keewaywin Conference in 2022. An analyst for NAN, gave a presentation about the proposed Deep Geological Repository for storing high-level nuclear waste, and Chiefs in Council prepared a resolution and made edits on the video. In the end the resolution was carried and edited live by those who attended the conference. |
| link: | https://www.youtube.com/watch?v=0MXZgwbVea0 |

## Nishnawbe Aski Nation

| | |
|---|---|
| Indigenous group / author(s): | **Nishnawbe Aski Nation-2**<br>Chief Joshua Frogg<br>Chief Arlene Slipperjack |
| nation / territory: | NAN territory encompasses James Bay Treaty 9 and the Ontario portion of Treaty 5 territory.<br>Wawakapewin First Nation<br>White Water Lake First Nation |
| location: | Nishnawbe Aski Nation main office is in Thunder Bay, Ontario<br>Wawakapewin First Nation Band Office is in Sioux Lookout, Ontario<br>White Water Lake First Nation Band Office is in Armstrong, Ontario |
| date: | **November 26, 2009** |
| heading: | Nuclear waste free zone and the nuclear management organization nine step site selection process |
| type: | Resolution 09/88, passed at Nishnawbe Aski Nation meeting |
| length and theme(s): | 2 pages<br><br>No support for nuclear, procedural inadequacies. |
| contents: | This resolution describes that NAN will not support the NWMO's nine step site selection process for the proposed Deep Geological Repository for high-level nuclear waste until their concerns are addressed, either in modification or in another agreed upon form. They also want the NAN executive council to use their position to prevent the government and industry from storing nuclear waste without free, prior and informed consent. |
| link: | https://nuclear-waste-canada.weebly.com/uploads/1/4/1/9/14198173/nan-no-nwmo-resolution_2009.pdf |

## Anishinabek Nation / Union of Ontario Indians

The Anishinabek Nation has five statements: two letters to Prime Minister Trudeau, a resolution passed, a letter to an influential senator, and a news editorial based on a media release by Anishinabek Chiefs.

| | |
|---|---|
| Indigenous group / author(s): | **Anishinabek Nation-1**<br><br>Grand Council Chief Glen Hare (Gwiingos) |
| nation / territory: | The Anishinabek Nation advocates for 39 First Nations throughout the province of Ontario. |
| location: | Anishinabek Nation head office is in Nipissing First Nation, just outside North Bay, Ontario |
| date: | **January 13, 2021** |
| heading: | No heading |
| type: | Letter to Prime Minister Justin Trudeau |
| Length and theme(s): | 3 pages<br>No support for nuclear, procedural inadequacies. |
| contents: | Grand Council Chief Glen Hare asks Prime Minister Justin Trudeau and the government to remediate the contamination of Port Hope and Port Granby. It must not be compromised by giving free rein to hired contractors to weaken the cleanup criteria. If criteria are weakened, more contaminated radioactive material would be left than originally promised, which is unacceptable to the Anishinabek Nation. They attached a copy of the proposed changes, quoting the CEO and President of the Atomic Energy of Canada Limited (AECL), from the Canadian Nuclear Laboratories website. |
| link: | https://www.ccnr.org/PHAI_ANIC_Trudeau_2021.pdf |

## Anishinabek Nation

| | |
|---|---|
| Indigenous group / author(s): | **Anishinabek Nation-2**<br><br>Grand Council Chief Glen Hare (Gwiingos) |
| nation / territory: | The Anishinabek Nation advocates for 39 First Nations throughout Ontario. |
| location: | Anishinabek Nation head office is in Nipissing First Nation, just outside North Bay, Ontario |
| date: | **November 5, 2020** |
| heading: | No heading |
| type: | Letter to Prime Minister Justin Trudeau |
| Length and theme(s): | 2 pages<br><br>No support for nuclear, procedural inadequacies. |
| contents: | In this letter, Anishinabek Nation leaders explain their disappointment in the government for not consulting First Nations and instead interacting with stakeholders of the nuclear industry and those willing to sign on to a statement of support for the development of SMRs. They express solidarity with 30 other interest groups across Canada who oppose SMRs. They want all the development of small modular nuclear reactors to be put on hold until concerns of First Nations and other concerned Canadians can have their say given that these SMRs have negative economic, societal and environmental implications. |
| link: | https://www.ccnr.org/Trudeau_Hare_SMR_2020.pdf |

## Anishinabek Nation

| | |
|---|---|
| Indigenous group/ author(s): | **Anishinabek Nation-3**<br><br>Grand Council Chief Glen Hare (Gwiingos) |
| nation / territory: | The Anishinabek Nation advocates for 39 First Nations throughout Ontario. |
| location: | Anishinabek Nation head office is in Nipissing First Nation, just outside North Bay, Ontario |
| date: | **March 29, 2019** |
| heading: | No heading |
| type: | Letter to Chair, standing committee on energy, the environment and natural resources, The Senate of Canada, Rosa Galvez |
| Length and theme(s): | 3 pages (page 1-3 of document)<br>No support for nuclear, violations of Indigenous rights, procedural inadequacies. |
| contents: | In the letter, Chief Glen Hare explains his opposition to deep geological disposal of nuclear waste in Anishinabek territory. The Chief also brings up concerns about how the Canadian Nuclear Safety Commission is excluding the proposed SMNRs from the proper environmental assessment process, which they find unacceptable. The letter includes three resolutions and declarations also included in this appendix: Resolution No.2010/30 from the Garden River First Nation, Resolution 56/18(page 32 of this document), a declaration from Chiefs of Ontario (on page 10 of this document), and the Joint Declaration between the Anishinabek Nation and the Iroquois Caucus on the transportation and abandonment of radioactive waste. |
| link: | https://www.ccnr.org/AN_SMNR_Senate_Letter_2019.pdf |

## Anishinabek Nation

| | |
|---|---|
| Indigenous group / author(s): | **Anishinabek Nation-4**<br><br>News, with a news release from the Chiefs of the Anishinabek Nation |
| nation / territory: | The Anishinabek Nation advocates for 39 First Nations throughout Ontario. |
| location: | Anishinabek Nation head office is in Nipissing First Nation, just outside North Bay, Ontario. |
| date: | **June 16, 2019** |
| heading: | Chiefs oppose small reactors on First Nations territory |
| type: | Sudbury Star, publication of news release |
| Length and theme(s): | 2 pages<br>No support for nuclear, violation of Indigenous rights, procedural inadequacies. |
| contents: | In this news release, the Anishinabek leaders explain their concerns with Canada's plans to expand the nuclear industry while many other countries move away from nuclear and toward renewable energy sources. Of the many concerns is the stark reality that Canada, and Anishinabek territory, may become the radioactive dump of the world. Bill C-69 and its implications for the environmental assessment process and public consultation is also brought up, as well as the environmental implications that SMRs will have in the future. The Anishinabek Nation takes a critical stance against expanding the nuclear industry, even calling it a way for industry to use cheap power for their mines and industrial developments in the short term without a long-term plan for the waste it will produce. |
| link: | https://www.ccnr.org/Sudbury_article.pdf |

## Anishinabek Nation

| | |
|---|---|
| Indigenous group / author(s): | **Anishinabek Nation-5** |
| nation / territory: | The Anishinabek Nation advocates for 39 First Nations throughout Ontario. |
| location: | Anishinabek Nation head office is in Nipissing First Nation, just outside North Bay, Ontario |
| date: | **November 9, 2010** |
| heading: | Environmental protection against nuclear waste |
| Type: | Resolution, passed at Anishinabeg Special Assembly |
| Length and theme(s): | 1 page (page 4 of the document)<br>No support for nuclear, violation of Indigenous rights, procedural inadequacies |
| contents: | In this resolution, the Chiefs-in-assembly do not agree with exporting radioactive waste, including contaminated equipment, to other provinces or countries by land or water. They also oppose both the plans for the DGR within Anishinabek territory, and new and old reactors being built or refurbished when there is no acceptable plan to dispose of the nuclear waste. They want the Union of Ontario Indians to call on all levels of government to establish an acceptable process that respects a Nation-to-Nation relationship. |
| link: | Page 4 of this document:<br>https://www.ccnr.org/AN_SMNR_Senate_Letter_2019.pdf |

## Chiefs of Ontario

The Chiefs of Ontario passed two resolutions at Chiefs-in-Assembly, in 2021 and 2018.

| | |
|---|---|
| Indigenous group / author(s): | **Chiefs of Ontario-1**<br><br>Chief Duncan Michano<br>Chief Wilfred King |
| nation / territory: | Chiefs of Ontario supports many First Nations (133 total)<br><br>Biigtigong Nishnaabeg Nation<br>Gull Bay First Nation (Kiashke Zaaging Anishinaabek) |
| location: | Biigtigong Nishnaabeg Nation band office is in Heron Bay, Ontario<br>Gull Bay First Nation office is in Gull Bay, Ontario |
| date: | **February 4, 2021** |
| heading or title: | Nuclear Energy Disposal and Use |
| type: | Resolution 21/08 |
| Length and theme(s): | 2 pages<br><br>No support for nuclear, procedural inadequacies |
| contents: | The Chiefs-in-Assembly demand that the government of Ontario invest in the necessary infrastructure to meet energy needs with a focus on energy efficiency. They want to minimize production of nuclear energy, and a halt to refurbishment plans. They demand nuclear waste needs to be stored on site. |
| link: | https://www.ccnr.org/COO_Resolution_Nuclear_Feb_2021.pdf |

## Chiefs of Ontario

| | |
|---|---|
| Indigenous group / author(s): | **Chiefs of Ontario-2**<br><br>Chief Duncan Michano<br>Kyle Maclaurin |
| nation / territory: | Chiefs of Ontario supports many First Nations (133 total)<br>Duncan Michano is Chief of the Ojibways of the Pic River First Nation (Biigtigong Nishnaabeg First Nation)<br>Kyle Maclaurin is Chief of the Namaygoosisagagun First Nation |
| location: | Chiefs of Ontario office is in Toronto, Ontario<br>Ojibways of the Pic River First Nation office is in Heron Bay, Ontario<br>Namaygoosisagagun First Nation office is in Fort William First Nation, Ontario |
| date: | **November 2018** |
| heading: | Small Nuclear Reactors |
| type: | Resolution 56, passed at Special Chiefs Assembly |
| Length and theme(s): | 2 pages<br><br>No support for nuclear. |
| contents: | The Chiefs-in-Assembly demand that the nuclear industry abandon their plans to operate Small Modular Nuclear Reactors (SMRs), cease funding to these kinds of nuclear programs, and that the appropriate staff work to oppose the Canadian nuclear industry. |
| link: | https://www.ccnr.org/COO_resolution_SMRs_2018.pdf |

## Anishinabek Nation, Mushkegowuk Council, and Onkwehonwe

| | |
|---|---|
| Indigenous group / author(s): | **Anishinabek, Mushkegowuk, and Onkwehonwe (AMO)** |
| nation / territory: | Anishinaabek Nation established the Union of Ontario Indians to represent 39 First Nations across Ontario<br>Mushkegowuk Council represents Attawapiskat First Nation, Chapleau Cree First Nation, Fort Albany First Nation, Kashechewan Cree First Nation, Missanabie Cree First Nation, Moose Cree First Nation, Taykwa Tagamou Nation, and Weenusk First Nation<br>Onkwehonwe are people of the land from the Haudenosaunee Confederacy |
| location: | Anishinabek, Mushkegowuk, and Onkwehonwe are all in Ontario |
| date: | **2008 and 2009** |
| heading: | WE ARE THE LAND: Anishinabek, Mushkegowuk, Onkwehonwe Declaration<br>Also: Water Declaration of the Anishinabek, Mushkegowuk, Onkwehonwe in Ontario |
| type: | Declaration |
| Length and theme(s): | 2 pages<br>No support for nuclear, violation of Indigenous rights |
| contents: | Declares that if nuclear waste is harmful to the earth, it is harmful to everyone, and wants the government of Canada to stop the development of nuclear energy. Throughout the document they bring up future generations and the importance of having youth participate in the decision-making processes of their nation alongside their elders. |
| link: | https://nuclear-waste-canada.weebly.com/uploads/1/4/1/9/14198173/we-are-the-land-declaration-2019.pdf |

## Algonquin Anishinabeg Nation Tribal Council

| | |
|---|---|
| Indigenous group / author(s): | **Algonquin Anishinabeg Nation** |
| nation / territory: | The Algonquin Anishinabeg Nation represents/advocates for: Abitibiwinni, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Wahgoshig. |
| location: | Office is in Timiskaming First Nation, Quebec |
| date: | December 9 and 10, 2021 |
| heading: | Pseudo-Algonquin Ceremony at Canadian Nuclear Laboratories<br>Also released separately by Kebaowek First Nation |
| Type: | News releases |
| Length and theme(s): | 1 page each<br>No support for nuclear, violation of Indigenous rights |
| contents: | The press releases are about the new building given an Algonquin name at Chalk River, with permission from the 'Algonquins of Ontario' which mostly represents made-up groups. Anishinabeg Nation Grand Chief Savanna McGregor says the naming of the building is a blatant attempt to appropriate the Algonquin identity for the benefit of the nuclear industry, escaping their obligations to consult and accommodate true Algonquin Nations. |
| link: | https://www.ccnr.org/Algonquin_Anishinabeg_2021.pdf<br>https://www.ccnr.org/Kebaowek_FN_2021.pdf |

## Kebaowek First Nation and Algonquin Anishinabeg Nation Tribal Council

| | |
|---|---|
| Indigenous group / author(s): | **Kebaowek First Nation and Algonquin Anishinabeg Nation Tribal Council** |
| nation / territory: | The Algonquin Anishinabeg Nation represents/advocates for: Abitibiwinni, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Wahgoshig. |
| location: | Kebaowek First Nation office is in Kebaowek, Quebec<br>Algonquin Anishinabeg Nation Tribal Council office is in Timiskaming First Nation, Quebec |
| date: | **May 14, 2022** |
| heading: | Canada's need for an overarching Indigenous Cooperation Agreement with the Algonquin Nation for Chalk River Nuclear Site proposed developments |
| type: | Letter to Prime Minister Justin Trudeau |
| Length and theme(s): | 4 pages<br>No support for nuclear, violation of Indigenous rights |
| contents: | In the letter, Kebaowek First Nation and Algonquin Anishinabeg Nation Tribal Council refer to the NSDF, Near Surface Disposal Facility, and proposed nuclear reactor demonstration projects at Chalk River, and the insufficient environmental assessment / impact assessment (EA/IA) process. They mention the lack of sufficient review panels and request a Nation-to-Nation Consultation Agreement in advance of any further EA work within their communities. They remind the Prime Minister of the Crown's duty to consult Indigenous Nations, citing the relicensing of the Chalk River site in 2018. |
| link: | https://www.ccnr.org/Algonquin_Trudeau_ltr_2022.pdf |

## Individual Nation, First Nation and traditional Grand Council statements

### Asubpeeschoseewagong Netum Anishinabek First Nation

| | |
|---|---|
| Indigenous group / author(s): | **Asubpeeschoseewagong Netum Anishinabek First Nation**<br>Chief Rudy Turtle |
| nation / territory: | Asubpeeschoseewagong Netum Anishinabek First Nation (Grassy Narrows First Nation). |
| location: | Office located in Grassy Narrows, Ontario |
| date: | **February 26, 2024** |
| heading: | ANA says ‘no’ to Nuclear waste storage in our watershed |
| type: | Letter to CEO of Nuclear Waste Management Organization |
| length and theme(s): | 2 pages<br><br>No support for nuclear, violation of Indigenous rights, procedural inadequacies, and seeking environmental justice. |
| Contents: | Chief Rudy Turtle's letter to president and CEO of the Nuclear Waste Management Organization (NWMO) Laurie Swami declared their opposition to nuclear waste storage within the Asubpeeschoseewagong Netum Anishinabek watershed region, or anywhere upstream or upwind from their territory. NWMO never contacted ANA about their plans to site a facility in Ignace, even though ANA has contacted them on three separate occasions (July 2020, February and October 2022). |
| link: | https://www.netnewsledger.com/2024/03/14/northwestern-ontario-first-nations-chiefs-unite-against-nuclear-waste-proposal/ |

## Fort William First Nation

| | |
|---|---|
| Indigenous group / author(s): | **Fort William First Nation** |
| nation / territory: | Ojibway of Fort William First Nation |
| location: | Office is in Fort William First Nation, Ontario. |
| date: | **September 28, 2022** |
| heading: | Nuclear fuel waste transportation and burial in Northwestern Ontario |
| type: | Band Council Resolution |
| Length and theme(s): | 1 page<br><br>Procedural inadequacies |
| contents: | Fort William First Nation demands it be resolved that the Government of Ontario follow Northwatch's 2021 Policy Review document, Proximity Principle 1. This document states that nuclear waste be stored at the point of generation, in above ground attack resistant and reinforced vaults, and pulled back from the water. This resolution was sent to Indian and Northern Affairs Canada. |
| link: | https://wethenuclearfreenorth.ca/wp-content/uploads/2024/02/fwfn_bcr22-47-nuclear-fuel-waste-transportation-and-burial-in-nw-ontario.pdf |

## Grand Council Treaty #3

| | |
|---|---|
| Indigenous group / author(s): | **Grand Council Treaty # 3**<br><br>Grand Chief Diane Kelly |
| nation / territory: | Grand Council Treaty #3 is the traditional government of the Anishinaabe Nation. Grand Council Treaty #3 represents 28 First Nations communities. |
| location: | Grand Council Treaty #3 head office is in Kenora, Ontario |
| date: | **September, 2010** |
| heading: | Long term storage of used nuclear fuel |
| type: | Letter sent to the president of the NWMO, Ken Nash |
| Length and theme(s): | 4 paragraphs<br><br>No support for nuclear, violation of Indigenous rights |
| contents: | Grand Chief Kelly reminds the president of the NWMO, Ken Nash, that there are 28 communities in Grand Council Treaty #3 territories that do not agree with storing nuclear waste in their territory. Grand Chief Kelly brings up the importance of keeping the land from being altered by this waste, because it sustains their ways of life. Anishinaabe law, or the Great Earth Law, is being suggested for the NWMO to understand, because that is how these communities have come to their conclusions about nuclear waste storage. |
| link: | https://nuclear-waste-canada.weebly.com/uploads/1/4/1/9/14198173/gt3_letter_of_opposition_2010.jpg |

## Kebaowek First Nation

Kebaowek First Nation has two entries here, a media release and a website with information about Kebaowek's opposition to the NSDF project at Chalk River.

| | |
|---|---|
| Indigenous group/ author(s): | **Kebaowek First Nation-1**<br>Chief Lance Haymond |
| nation / territory: | Kebaowek First Nation |
| location: | Office is in Kebaowek, Quebec |
| date: | **July 20, 2023** |
| heading: | Nuclear disposal on the Chalk River Laboratories site: The Assembly of First Nations Calls for Urgent meeting with the federal government |
| type: | News release |
| Length and theme(s): | 2 pages<br>Violation of Indigenous rights, procedural inadequacies |
| contents: | This news release is a response to the resolution sponsored by Chief Haymond passed at the AFN Annual General Assembly that also instructs the AFN to "continue working with the Regions and Natural Resources Canada (NRCan) to develop a coordinated response to the new radioactive waste and decommissioning policy to include First Nations strategies and mitigation measures to fully conform with and promote the implementation of international human rights laws and standards." |
| link: | https://kebaowek.ca/Docs/NSDF/PressReleaseAFNsupportsoppositionofNSDF.pdf |

## Kebaowek First Nation

| | |
|---|---|
| Indigenous group/ author(s): | **Kebaowek First Nation-2**<br>Chief Lance Haymond |
| nation / territory: | Kebaowek First Nation |
| location: | Office is in Kebaowek, Quebec |
| date: | **2023** |
| heading: | NSDF - Near Surface Disposal Facility |
| type: | Website promoting Kebaowek views about the NSDF |
| Length and theme(s): | 2 pages<br>Procedural inadequacies, seeking environmental justice, and other themes. |
| contents: | This website includes materials including a video, poster and other information leading up to the Canadian Nuclear Safety Commission hearing on the NSDF at Chalk River on August 10, 2023. |
| link: | https://kebaowek.ca/NSDF.html |

## Kitigan Zibi Anishinabeg

| | |
|---|---|
| Indigenous group / author(s): | **Kitigan Zibi Anishinabeg**<br>Chief Dylan Whiteduck |
| nation / territory: | Kitigan Zibi Anishinabeg is part of the Algonquin Nation |
| location: | The administration office is in Maniwaki, Quebec |
| date: | **February 14, 2024** |
| title: | Kitigan Zibi Anishinabeg Opposes the Chalk River Disposal Facility Without Consent |
| Type: | Press release from KZA website. |
| Length and theme(s): | 4 paragraphs<br>No support for nuclear, violation of Indigenous rights. |
| contents: | In this press release, KZA explains how the CNSC has approved the Chalk River Near Surface Disposal Facility without proper consultation with the KZA, violating the UNDRIP and the rights of KZA. This decision also undermines the highest judicial institution, the Supreme Court of Canada. |
| link: | https://kitiganzibi.ca/2024/02/14/kitigan-zibi-anishinabeg-opposes-the-chalk-river-nuclear-surface-disposal-facility-without-consent/ |

## Lac Seul First Nation

| | |
|---|---|
| Indigenous group / author(s): | **Lac Seul First Nation**<br>Chief Clifford Bull |
| nation / territory: | Lac Seul (Obishikokaang) First Nation which includes four communities: Kejick Bay, Canoe River, Whitefish Bay, and Frenchmen's Head |
| location: | There are main offices in each community |
| date: | **March 28, 2024** |
| heading: | Chief and Council's Position on Nuclear Waste Storage |
| type: | Letter to First Nation members from Chief and Council |
| length and theme(s): | 1 page<br><br>No support for nuclear. |
| contents: | LSFN does not agree to store nuclear waste on their territory, in Treaty 3 territory. Representatives from the Nuclear Waste Management Organization (NWMO) visited with LSFN. That representative has been informed of the opposition to nuclear waste by LSFN, yet the NWMO has never made any formal plan. |
| link: | https://lacseulfn.org/news/chief-and-councils-position-on-nuclear-waste-storage/ |

## Michipicoten First Nation

| | |
|---|---|
| Indigenous group / author(s): | **Michipicoten First Nation**<br>Chief and Council |
| nation / territory: | Michipicoten First Nation (Anishinaabeg) |
| location: | Michipicoten First Nation band office is in Wawa, Ontario |
| date: | **April 23, 2015** |
| heading: | Michipicoten First Nation minutes of Chief and Council regular meeting |
| type: | Resolution 19, passed at a regular meeting |
| length and theme(s): | 1 page<br><br>No support for nuclear, violation of Indigenous rights |
| contents: | MFN outlines their opposition to the transportation, disposal and storage of used nuclear fuel/high level waste in their traditional territory. |
| link: | https://nuclear-waste-canada.weebly.com/uploads/1/4/1/9/14198173/michipicotent-first-nation_2015.pdf |

## Mississauga First Nation

| | |
|---|---|
| Indigenous group/ author(s): | **Mississauga First Nation** |
| nation / territory: | Mississauga First Nation. |
| location: | Mississauga First Nation office is in Blind River, Ontario |
| date: | **April 24, 2024** |
| heading: | No heading |
| type: | Band Council Resolution |
| Length and theme(s): | 2 pages.<br><br>No support for nuclear, violation of Indigenous rights, procedural inadequacies, seeking environmental justice |
| contents: | This resolution refers to the Blind River uranium refinery owned and operated by Cameco corporation and located on Mississauga First Nation land. MSN has never consented to their land being used for nuclear activities or for disposal of nuclear waste. These nuclear activities at the site have resulted in lost access to their land, for which Cameco has no equitable redress. Cameco and the CNSC have denied requests from Mississauga First Nation for the disclosure of information which would detail decommissioning plans for the facility. |
| link: | https://www.mississaugi.com/uploads/1/0/2/6/102634872/bcr_06-24-25_opposing_nuclear_waste_disposal_signed.pdf |

## Ojibway Nation of Saugeen

| | |
|---|---|
| Indigenous group / author(s): | **Ojibway Nation of Saugeen**<br>Chief John Machimity |
| nation / territory: | Ojibway Nation of Saugeen. |
| location: | Office is in Savant Lake, Ontario |
| date: | **August 30, 2023** |
| heading: | Regarding the Nuclear Waste Management Organization proposal to transport, bury and abandon high level nuclear waste in a Deep Geological Repository (DGR) in Treaty 3 territory |
| type: | Band Council Resolution |
| length and theme(s): | 2 pages<br><br>No support for nuclear. |
| contents: | The Ojibway Nation of Saugeen No. 258 does not consent to NWMO 's plans to construct the Deep Geological Repository (DGR) in Treaty 3 territory. They sent a statement in writing to the NWMO that they stand firm against long term storage of nuclear waste in their territory. |
| link: | https://nuclear-waste-canada.weebly.com/uploads/1/4/1/9/14198173/bcr-30august2023.png |

## Pic Mobert First Nation # 195

| | |
|---|---|
| Indigenous group / author(s): | **Pic Mobert First Nation # 195**<br>Chief Louis Kwissiwa |
| nation / territory: | Pic Mobert First Nation, Netmizaaggamig Nishnaabeg, is an Ojibwe First Nation. Pic Mobert First Nation is part of Anishinabek Nation |
| location: | Office is in Mobert, Ontario. |
| date: | **February 4, 2015** |
| heading: | Letter to the Editor: Nuclear waste in NWO |
| type: | Letter to the Editor - Ontario News North |
| Length and theme(s): | 7 paragraphs<br><br>Violation of Indigenous rights, seeking environmental justice. |
| contents: | In this letter, Chief Louis Kwissiwa cites the UNDRIP, specifically Article 29 sections (1) and (2). The Chief also refers to Article 35 (1) of the Canadian Constitution Act from 1982 which includes the duty to consult. The nuclear industry is violating these rights that Indigenous people have by storing nuclear waste on Indigenous lands without consultation. The plans that the nuclear industry has violates the fact that Indigenous Nations need to be given free, prior and informed consent. |
| link: | https://nuclear-waste-canada.weebly.com/uploads/1/4/1/9/14198173/picmobertfirstnation_february2015.png |

## Wolastoq Grand Council

| | |
|---|---|
| Indigenous group / author(s): | **Wolastoq Grand Council**<br>Chief Ron Tremblay |
| nation / territory: | The Wolastoqey Nation |
| location: | The Wolastoq Grand Council office is in Fredericton, New Brunswick |
| date: | **March 12, 2021** |
| heading: | Wolastoq Grand Council Resolution on nuclear energy and nuclear waste on traditional Wolastoq territory |
| type: | Resolution posted by news release published by the *NB Media Co-op* |
| Length and theme(s): | 4-minute read<br><br>No support for nuclear, violation of Indigenous rights |
| contents: | This news release is a declaration by the Wolastoq Grand Council Chief Ron Tremblay. They want the government of Canada and New Brunswick to halt all funding toward nuclear power, phase out the Point Lepreau nuclear plant, store nuclear waste on site, and to respect the desires of First Nations in Ontario that are opposed to the proposed Deep Geological Repository for high-level nuclear waste. They also want the government of Canada to be responsible for the nuclear waste generated. |
| link: | https://nbmediacoop.org/2021/03/12/wolastoq-grand-council-resolution-on-nuclear-energy-and-waste-on-traditional-wolastoq-territory/ |

# International declarations by Indigenous groups in Canada

## United Nations Permanent Forum on Indigenous Issues

| | |
|---|---|
| Indigenous group / author(s): | **United Nations Permanent Forum on Indigenous Issues**<br>Grand Council Chief Patrick Madahbee<br>Grand Chief Joseph Norton<br>Chief Clinton Phillips<br>Chief April Adams-Phillips<br>Chief Troy Thompson<br>Candace Day Neveau (Bawatang Water Protectors) |
| nation / territory: | Patrick Madahbee, Grand Chief of the Anishinabek Nation<br>Grand Chief Joseph Norton, Iroquois Caucus<br>Chief Clinton Phillips, Kahnawake Nation and Mohawk Council<br>Chief Adams-Phillips and Chief Thompson are with the Akwesasne Nation and Mohawk Council<br>Candace D. Neveau, Anishinabek Nation member and part of the Iroquois Caucus |
| location: | First Nations listed above are in Quebec and Ontario.<br>The UN Forum on Indigenous Issues was in New York at UN headquarters, U.S. |
| date: | **April 23, 2018** |
| heading: | Radioactive Waste and Canada's First Nations Permanent Forum on Indigenous Issues |
| type: | YouTube Video. |
| length and theme(s): | Video- 59 minutes<br>No support for nuclear, violation of Indigenous rights, procedural inadequacies, seeking environmental justice |
| contents: | Video records the meeting between Indigenous Nations, along with Gordon Edwards (Canadian Coalition for Nuclear Responsibility) and Ole Hendrickson (Concerned Citizens of Renfrew County and Area). Every Indigenous leader and member spoke about the proposed DGR in Ontario and plans to dispose of nuclear waste there. They disagree with these plans. Concerns range from negative implications to the environment, greed, accidents, and more. |
| link: | https://www.youtube.com/watch?v=doKmZmIF6ms |

# 9.3 LIST OF INDIGENOUS SUBMISSIONS TO THE CNSC

This document lists all 127 submissions (with links) from 19 Indigenous organizations in New Brunswick, Quebec and Ontario to the Canadian Nuclear Safety Commission (CNSC). The CNSC records online go back to 2018. The list includes all the recognized Indigenous organizations participating in CNSC hearings and Commission meetings through written submissions and presentations from 2018 to June 2024. All URLs worked at the time of publication.

**New Brunswick**

- Kopit Lodge & Elsipogtog First Nation
- Mi'gmawe'l Tplu'taqnn Incorporated
- Passamaquoddy Recognition Group
- Wolastoqey Nation in New Brunswick

**Quebec**

- Algonquins of Barriere Lake / Mitchikanibikok Inik
- Grand Conseil de la Nation Waban-Aki
- Kebaowek First Nation
- Kitigan Zibi Anishinabeg First Nation
- Wolf Lake First Nation

**Ontario**

- Algonquins of Pikwakanagan First Nation
- Chippewas of Kettle and Stony Point First Nation
- Curve Lake First Nation
- Grand Council Treaty #3
- Hiawatha First Nation
- Métis Nation of Ontario
- Mississauga First Nation
- Mississaugas of Scugog Island First Nation
- Mohawks of the Bay of Quinte
- Saugeen Ojibway Nation

# New Brunswick

## Kopit Lodge & Elsipogtog First Nation

**2022:** Application by NB Power for the renewal of its licence for the Point Lepreau Nuclear Generating Station. CNSC hearing May 11-12.

- **Written submission** (March 25, 2022) 40 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h2-145.pdf/object

## Mi'gmawe'l Tplu'taqnn Incorporated

**2022:** Application by NB Power for the renewal of its licence for the Point Lepreau Nuclear Generating Station. CNSC hearing May 11-12.

- **Written submission** (March 28, 2022) 95 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h2-234.pdf/object

## Passamaquoddy Recognition Group

**2023:** Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2022. Commission meeting November 3.

- **Written submission** (October 30, 2023) 63 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-M36-13.pdf/object

**2022:** Application by NB Power for the renewal of its licence for the Point Lepreau Nuclear Generating Station. CNSC hearing May 11-12.

- **Written submission** (April 4, 2022) 209 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h2-244.pdf/object
- **Written submission supplement** (April 27, 2022) 58 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h2-244a.pdf/object

**2022:** Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2021. Commission meeting November 3.

- **Written submission** (September 16, 2022) 37 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-m34-1.pdf/object

## Wolastoqey Nation in New Brunswick

**2022:** Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2021. Commission meeting November 3.

- **Written submission** (September 20, 2022) 6 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-m34-13.pdf/object

# Quebec

## Algonquins of Barriere Lake / Mitchikanibikok Inik

**2022 and 2023:** Application by Canadian Nuclear Laboratories to amend its Chalk River Laboratories site licence to authorize the construction of a near surface disposal facility. CNSC hearing May and June 2022 and August 10, 2023.

- **Request for ruling** (April 1, 2022) 3 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h7-2.pdf/object
- **Written submission** (April 11, 2022) 3 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h7-139.pdf/object
- **Written submission supplement** (May 4, 2022) 21 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h7-139a.pdf/object
- **Final submission** (June 26, 2023) 15 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD22-H7-139B.pdf/object

## Grand Conseil de la Nation Waban-Aki

**2023:** Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2022. Commission meeting December 13-14.

- **Written submission** (November 11, 2023) 4 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-M36-16.pdf/object

**2022:** Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2021. Commission meeting November 3.

- **Written submission** (September 15, 2022) 3 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-m34-3.pdf/object

**2021:** Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2020. Commission meeting, December 15.

- **Written submission** (November 1, 2021) 3 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-m36-1.pdf/object

**2020**: Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2019 and Update on OPG's Refurbishment Project at the Darlington Nuclear Generating Station. Commission meeting December 9.

- **Written submission** (November 3, 2020) 4 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd20-m24-2.pdf/object

## Grand Conseil de la Nation Waban-Aki, continued

**2019**: Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2018. Commission meeting November 6.

- **Written submission** (October 2, 2019) 5 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd19-m30-3-fra.pdf/object

## Kebaowek First Nation

**2022 and 2023:** Application by Canadian Nuclear Laboratories to amend its Chalk River Laboratories site licence to authorize the construction of a near surface disposal facility. CNSC hearing May and June 2022 and August 10, 2023.

- **Written submission** (April 11, 2022) 4 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h7-111.pdf/object
- **Written submission supplement** (April 28, 2022) 20 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h7-111a.pdf/object
- **Written submission supplement** (May 1, 2023) 86 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD22-H7-111C.pdf/object
- **Final submission** (June 6, 2023) from the Kebaowek First Nation and the Kitigan Zibi Anishinabeg First Nation, 25 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD22-H7-111D-and-CMD22-H7-113C.pdf/object

**2023:** Review of Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities in Canada in 2022. Commission meeting December 15-16.

- **Written submission** (October 30, 2023) 10 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-M35-3.pdf/object

**2023:** Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2022 and CNL's mid-term update. Commission meeting November 1-2.

- **Written submission** (October 11, 2023) 12 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-M30-10.pdf/object

**2022:** Review of Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities in Canada in 2021. Commission meeting December 15-16.

- **Written submission** (October 31, 2022) https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD22-M35-4.pdf/object

## Kebaowek First Nation, continued

**2021:** Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2020. Commission meeting November 25.

- **Written submission** (October 25, 2021) 14 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-m32-6.pdf/object
- **Presentation** (November 25, 2021) 25 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-m32-6a.pdf/object

**2021:** Application by BWXT Medical Ltd. for a Class IB nuclear substance processing facility operating licence. CNSC hearing June 9-10.

- **Written submission** (May 10, 2021) 31 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-h5-20.pdf/object
- **Presentation** (June 9, 2021) 17 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-h5-20a.pdf/object

**2020:** Application by Global First Power on the scope of an environmental assessment of the proposed Micro Modular Reactor Project at the Canadian Nuclear Laboratories Ltd. in Chalk River. CNSC hearing June.

- **Written submission** (June 1, 2020) 19 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd20-h102-7.pdf/object
- **Written submission supplement** (June 20, 2020) 3 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd20-h102-7a.pdf/object\

**2019:** Review of Regulatory Oversight Report for Canadian Nuclear Laboratories sites in 2018. Commission meeting November 7.

- **Written submission** (October 9, 2019) 16 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd19-m24-10a.pdf/object
- **Presentation** (November 7, 2019) 21 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd19-m24-10b.pdf/object

## Kitigan Zibi Anishinabeg First Nation

**2022 and 2023:** Application by Canadian Nuclear Laboratories to amend its Chalk River Laboratories site licence to authorize the construction of a near surface disposal facility. CNSC hearing May and June 2022 and August 10, 2023

- **Written submission** (April 11, 2022) 6 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h7-113.pdf/object
- **Written submission supplement** (May 8, 2023) 1025 pages. (This is a collection of historical and current documents) https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD22-H7-113B.pdf/object
- **Final submission** (June 6, 2023) from the Kebaowek First Nation and the Kitigan Zibi Anishinabeg First Nation, 25 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD22-H7-111D-and-CMD22-H7-113C.pdf/object

## Wolf Lake First Nation

**2022:** Application by Canadian Nuclear Laboratories to amend its Chalk River Laboratories site licence to authorize the construction of a near surface disposal facility. CNSC hearing May and June.

- **Written submission** (April 11, 2022) 3 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h7-120.pdf/object
- **Written submission supplement** (May 4, 2022) 16 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h7-120a.pdf/object

# Ontario

## Algonquins of Pikwakanagan First Nation

**2023:** Review of the Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities in Canada in 2022. Commission meeting December 13-14.

- **Written submission** (October 30, 2023) 23 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-M35-5.pdf/object
- **Presentation** (December 14, 2023) 17 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-M35-5A.pdf/object

**2023:** Review of the Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2022. Commission meeting November 1-2.

- **Written submission** (October 2, 2023) 37 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-M30-3.pdf/object
- **Presentation** (November 1, 2023) 18 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-M30-3A.pdf/object

**2022 and 2023:** Application by Canadian Nuclear Laboratories to amend its Chalk River Laboratories site licence to authorize the construction of a near surface disposal facility. CNSC hearing May and June 2022 and August 10, 2023

- **Written submission** (April 11, 2022) 92 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h7-109.pdf/object
- **Written submission supplement** (May 17, 2022) 20 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h7-109a.pdf/object
- **Presentation** (June 2022) 26 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h7-109b.pdf/object
- **Final submission** (May 31, 2023) 14 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD22-H7-109D.pdf/object

**2022:** Review of Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities in Canada in 2021. Commission meeting December 15-16.

- **Written submission** (October 31, 2022) 36 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD22-M35-1.pdf/object
- **Presentation** (December 16, 2022) 27 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD22-M35-1A.pdf/object

**2022:** Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2021. Commission meeting November 2.

- **Written submission** (October 4, 2022) 22 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-m33-6.pdf/object

## Algonquins of Pikwakanagan First Nation, continued

**2022:** Application by SRB Technologies (Canada) Inc. for the renewal of the licence for SRBT Facility. CNSC hearing April 27-28.

- **Written submission** (March 14, 2022) 29 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h8-8.pdf/object

**2021:** Application by BWXT Medical Ltd. for a Class IB nuclear substance processing facility operating licence. CNSC hearing June 9.

- **Written submission** (April 30, 2021) 19 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-h5-9.pdf/object
- **Presentation** (June 9, 2021) 18 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-h5-9a.pdf/object

**2020:** Decision on the scope of an environmental assessment of the proposed Micro Modular Reactor Project at the Canadian Nuclear Laboratories in Chalk River. CNSC hearing, June.

- **Written submission** (May 31, 2020) 13 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd20-h102-8.pdf/object

**2020:** Review of Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities in Canada in 2019. Commission meeting December 8.

- **Written submission** (November 16, 2020) 13 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd20-m36-5.pdf/object
- **Presentation** (December 8, 2020) 18 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd20-m36-5a.pdf/object

## Chippewas of Kettle and Stony Point First Nation

**2023:** Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2022. Commission meeting November 1-2.

- **Written submission** (October 2, 2023) 11 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-M30-2.pdf/object

**2022:** Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2021. Commission meeting November 2.

- **Written submission** (October 4, 2022) 7 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-m33-8.pdf/object

**2022:** Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in Canada in 2021. Commission meeting November 3.

- **Written submission** (September 23, 2022) 10 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-m34-14.pdf/object

## Curve Lake First Nation

**2024:** Application by Ontario Power Generation to extend the operation of Pickering Nuclear Generating Station Units 5 to 8 until December 31, 2026. CNSC hearing June.

- **Written submission** (May 17, 2024) 6 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD24-H5-55.pdf/object

**2024**: Application by Ontario Power Generation for the applicability of the Darlington New Nuclear Project environmental assessment and plant parameter envelope to selected reactor technology. CNSC hearing January.

- **Written submission** (November 20, 2023) 86 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD24-H2-25.pdf/object
- **Joint presentation** (January 2024) from the Hiawatha First Nation, the Curve Lake First Nation and the Mississaugas of Scugog Island First 19 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD24-H2-23A-CMD24-H2-25A-CMD24-H2-26A.pdf/object

**2023:** Application by Ontario Power Generation to Renew the Class IB Waste Facility Operating Licence for Ontario Power Generation in Darlington, Ontario. CNSC hearing January 26.

- **Written submission** (December 5, 2022) 47 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-H9-19.pdf/object
- **Presentation** (January 2023) 10 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-H9-19A.pdf/object

**2022:** Application by Canadian Nuclear Laboratories to amend its Chalk River Laboratories site licence to authorize the construction of a near surface disposal facility. CNSC hearing May and June.

- **Written submission** (April 11, 2022) 12 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h7-140.pdf/object

**2022:** Application by the Cameco Corporation to Renew the Class IB Nuclear Fuel Facility Licence for Cameco Fuel Manufacturing Inc. in Port Hope, Ontario. CNSC hearing November 23-24.

- **Written submission** (October 7, 2022) 67 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h12-40.pdf/object

**2022**: Application by Canadian Nuclear Laboratories to renew its waste nuclear substance licence for the Port Hope Project. CNSC hearing November 22.

- **Written submission** (October 20, 2022) 63 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h13-29.pdf/object

## Curve Lake First Nation, continued

**2022:** Review of Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities in Canada in 2021. Commission meeting December 15-16.

- **Written submission** (October 31, 2022) 37 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD22-M35-2.pdf/object

**2022:** Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2021. Commission meeting November 2.

- **Written submission** (October 4, 2022) 31 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-m33-7.pdf/object

**2022:** Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2021. Commission meeting November 3.

- **Written submission** (September 15, 2022) 35 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-m34-4.pdf/object

**2021:** Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2020. Commission meeting November 25.

- **Written submission** (October 25, 2021) 25 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-m32-5.pdf/object

**2021:** Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2020, Commission meeting December 15.

- **Written submission** (November 1, 2021) 15 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-m36-4.pdf/object

**2021:** Review of Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities and Research Reactors in Canada in 2020. Commission meeting December 16.

- **Written submission** (November 1, 2021) 15 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-m33-1.pdf/object

**2021:** Review of Regulatory Oversight Report for Uranium Mines, Mills, Historic, and Decommissioned Sites in Canada in 2020. Commission meeting December 16.

- **Written submission** (November 1, 2021) 15 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-m34-1.pdf/object

**2021:** Application by Ontario Power Generation for a licence amendment to authorize activities related to the production and possession of Molybdenum-99 (Mo-99) at the Darlington Nuclear Generating Station. CNSC hearing September.

- **Written submission** (August 18, 2021) 7 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-h107-6.pdf/object

## Curve Lake First Nation, continued

**2021:** Application by Ontario Power Generation to renew the nuclear power reactor site preparation licence for the Darlington New Nuclear Project. CNSC hearing June 10-11.

- **Written submission** (May 7, 2021) 16 Wpages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-h4-60.pdf/object

**2021:** Application by Canadian Nuclear Laboratories requesting a one-year licence renewal for the Port Granby Project. CNSC hearing November.

- **Written submission revised version** (October 18, 2021) 21 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-h102-4a.pdf/object

**2021:** Application from the Cameco Corporation to consider a 1-year licence renewal for its Cameco Fuel Manufacturing Inc. facility. CNSC hearing December.

- **Written submission** (November 16, 2021) 25 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-h105-5.pdf/object

**2020**: Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2019 and Update on OPG's Refurbishment Project at the Darlington Nuclear Generating Station. Commission meeting December 9.

- **Written submission** (November 13, 2020) 11 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd20-m24-3.pdf/object

**2020:** Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2019. Commission meeting December 10.

- **Written submission** (November 13, 2020) 11 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd20-m22-1.pdf/object

**2020:** Review of Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities in Canada in 2019 and Update on Cameco Corporation's Vision in Motion Project. Commission meeting December 8.

- **Written submission** (November 13, 2020) 11 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd20-m36-2.pdf/object

**2020:** Application by BWXT Nuclear Energy Canada Inc. for the renewal of the licence for Toronto and Peterborough facilities. CNSC hearing March 2-6.

- **Written submission** (January 27, 2020) 4 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd20-h2-101.pdf/object

## Grand Council Treaty #3

**2022:** Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2021. Commission meeting November 2.

- **Written submission** (October 14, 2022) 16 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-m33-10.pdf/object

**2021:** Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2020. Commission meeting November 25.

- **Written submission** (October 25, 2021) 17 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-m32-7.pdf/object
- **Presentation** (November 25, 2021) 12 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-m32-7a.pdf/object

## Hiawatha First Nation

**2024:** Application by Ontario Power Generation to change the licensing basis for the Pickering Waste Management Facility. CNSC hearing June.

- **Written submission** (June 24, 2024) 7 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD24-H102-6.pdf/object

**2024:** Application by Ontario Power Generation to extend the operation of Pickering Nuclear Generating Station Units 5 to 8 until December 31, 2026. CNSC hearing June 19-20.

- **Written submission** (May 16, 2024) 9 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD24-H5-54.pdf/object

**2024**: Application by Ontario Power Generation for the applicability of the Darlington New Nuclear Project environmental assessment and plant parameter envelope to selected reactor technology. CNSC hearing January.

- **Written submission** (November 20, 2023) 85 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD24-H2-23.pdf/object
- **Joint presentation** (January 2024) from the Hiawatha First Nation, the Curve Lake First Nation and the Mississaugas of Scugog Island First 19 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD24-H2-23A-CMD24-H2-25A-CMD24-H2-26A.pdf/object

**2023:** Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2022. Commission meeting December 13-14.

- **Written submission** (November 6, 2023) 69 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-M36-15.pdf/object

## Hiawatha First Nation, continued

**2023:** Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2022. Commission meeting November 1-2.

- **Written submission** (October 9, 2023) 36 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-M30-9.pdf/object

**2023:** Review of Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities in Canada in 2022. Commission meeting December 13-14.

- **Written submission** (November 6, 2023) 30 pages (shorter version of above). https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-M35-7.pdf/object

## Métis Nation of Ontario

**2024:** Application by Ontario Power Generation to extend the operation of Pickering Nuclear Generating Station Units 5 to 8 until December 31, 2026. CNSC hearing June.

- **Written submission** (April 17, 2024) 7 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD24-H5-36.pdf/object

**2024**: Application by Ontario Power Generation for the applicability of the Darlington New Nuclear Project environmental assessment and plant parameter envelope to selected reactor technology. CNSC hearing January.

- **Written submission** (November 20, 2023) 5 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD24-H2-34.pdf/object

**2023:** Review of Bruce Power Mid-Term Update of Licensed Activities. Commission meeting September 20-21.

- **Written submission** (August 4, 2023) 23 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-M27-20B.pdf/object
- **Presentation** (September 20, 2023) 7 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-M27-20A.pdf/object

**2022:** Application by Canadian Nuclear Laboratories to amend its Chalk River Laboratories site licence to authorize the construction of a near surface disposal facility. CNSC hearing May and June.

- **Written submission** (April 6, 2022) 3 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h7-151.pdf/object

**2021:** Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2020. Commission meeting November 25.

- **Written submission** (September 23, 2021) 6 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-m32-8.pdf/object

## Métis Nation of Ontario, continued

**2021:** Application by Bruce Power to allow the production of lutetium-177 (Lu-177) at the Bruce Nuclear Generating Station. CNSC hearing June 25.

- **Written submission** (March 23, 2021) 3 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-h100-2.pdf/object

**2020:** Application by Canadian Nuclear Laboratories to amend the waste facility decommissioning licence for the Douglas Point Waste Facility. CNSC hearing November 25-26.

- **Written submission** (September 28, 2020) 10 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd20-h4-6.pdf/object

## Mississauga First Nation

**2023:** Application by the Cameco Corporation for a revised preliminary decommissioning plan and financial guarantee for its Port Hope Conversion Facility. CNSC hearing December 2023.

- **Written submission** (February 9, 2024) 9 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-H107-11.pdf/object

**2021:** Application by the Cameco Corporation to renew licence for its Blind River Refinery. CNSC hearing November 24.

- **Written submission** (October 26, 2021) 648 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-h9-50.pdf/object
- **Written submission supplement** (November 10, 2021) 44 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-h9-50a.pdf/object
- **Presentation** (November 24, 2021) 14 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-h9-50b.pdf/object

## Mississaugas of Scugog Island First Nation

**2024:** Application by Ontario Power Generation to change the licensing basis for the Pickering Waste Management Facility. CNSC hearing June.

- **Written submission** (June 7, 2024) 15 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD24-H102-5.pdf/object

**2024:** Application by Ontario Power Generation to extend the operation of Pickering Nuclear Generating Station Units 5 to 8 until December 31, 2026. CNSC hearing June.

- **Written submission** (April 29, 2024) 18 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD24-H5-49.pdf/object
- **Presentation** (June 19, 2024) 12 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD24-H5-49A.pdf/object

## Mississaugas of Scugog Island First Nation, continued

**2024:** Application by Ontario Power Generation for a licence amendment for the Darlington Nuclear Generating Station regarding the commercial production of Cobalt-60. CNSC hearing Spring.

- **Written submission** (April 5, 2024) 6 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD24-H101-13.pdf/object

**2024**: Application by Ontario Power Generation for the applicability of the Darlington New Nuclear Project environmental assessment and plant parameter envelope to selected reactor technology. CNSC hearing January.

- **Written submission** (November 20, 2023) 29 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD24-H2-26.pdf/object
- **Joint presentation** (January 2024) from the Hiawatha First Nation, the Curve Lake First Nation and the Mississaugas of Scugog Island First 19 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD24-H2-23A-CMD24-H2-25A-CMD24-H2-26A.pdf/object

**2023:** Application by Ontario Power Generation to Renew the Class IB Waste Facility Operating Licence for Ontario Power Generation in Darlington, Ontario. CNSC hearing January 26.

- **Written submission** (December 1, 2022) 16 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-H9-18.pdf/object
- **Presentation** (January 26, 2023) 9 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-H9-18A.pdf/object

**2023:** Review of Mid-term Update for Ontario Power Generation's Pickering Nuclear Generating Station. Commission meeting December 13-14.

- **Written submission** (October 30, 2023) 23 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-M36-10.pdf/object

**2022:** Application by the Cameco Corporation to Renew the Class IB Nuclear Fuel Facility Licence for Cameco Fuel Manufacturing Inc. in Port Hope, Ontario. CNSC hearing November 23-24.

- **Written submission** (October 7, 2022) 8 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h12-43.pdf/object

**2022**: Application by Canadian Nuclear Laboratories to renew its waste nuclear substance licence for the Port Hope Project. CNSC hearing November 22.

- **Written submission** (October 14, 2024) 9 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h13-26.pdf/object

## Mississaugas of Scugog Island First Nation, continued

**2022:** Application by the Cameco Corporation to renew its waste nuclear substance licence for the Port Hope Project in Port Hope, Ontario. CNSC hearing November 23-24.

- **Written submission** (October 14, 2022) 9 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-h13-26.pdf/object

## Mohawks of the Bay of Quinte

**2021:** Application by Ontario Power Generation to renew the nuclear power reactor site preparation licence for the Darlington New Nuclear Project. CNSC hearing June 10-11.

- **Written submission** (May 7, 2021) 11 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-h4-61.pdf/object

**2021:** Application by Canadian Nuclear Laboratories requesting a one-year licence renewal for the Port Granby Project. CNSC hearing November.

- **Written submission** (October 25, 2021) 10 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-h102-6.pdf/object

**2018:** Application by Ontario Power Generation for a ten-year renewal of its Nuclear Power Reactor Operating Licence for the Pickering Nuclear Generating Station. CNSC hearing June.

- **Written submission** (May 10, 2018) 11 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd18-h6-141.pdf/object

## Saugeen Ojibway Nation

**2024:** Application by Ontario Power Generation to extend the operation of Pickering Nuclear Generating Station Units 5 to 8 until December 31, 2026. CNSC hearing June.

- **Written submission** (May 3, 2024) 9 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD24-H5-53.pdf/object
- **Written submission supplement** (May 24, 2024) 5 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD24-H5-53A.pdf/object

**2024:** Application by Ontario Power Generation for a licence amendment for the Darlington Nuclear Generating Station regarding the commercial production of Cobalt-60. CNSC hearing Spring.

- **Written submission** (April 26, 2024) 4 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD24-H101-14.pdf/object

## Saugeen Ojibway Nation, continued

**2024**: Application by Ontario Power Generation for the applicability of the Darlington New Nuclear Project environmental assessment and plant parameter envelope to selected reactor technology. CNSC hearing January.

- **Written submission** (November 20, 2023) 15 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD24-H2-22.pdf/object

**2023:** Review of Bruce Power Mid-Term Update of Licensed Activities. Commission meeting September 20-21.

- **Written submission** (August 10, 2023) 6 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-M27-30.pdf/object

**2023:** Application by Bruce Power to amend the power reactor operating licence for the Bruce Nuclear Generating Stations A and B. CNSC hearing April.

- **Written submission** (April 6, 2023) 6 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/CMD23-H103-3.pdf/object

**2022:** Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2021. Commission meeting November 3.

- **Written submission** (September 16, 2022) 3 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd22-m34-11.pdf/object

**2021:** Application by Bruce Power to allow the production of lutetium-177 (Lu-177) at the Bruce Nuclear Generating Station. CNSC hearing June.

- **Written submission** (May 27, 2021) 7 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd21-h100-20.pdf/object

**2020:** Application by Canadian Nuclear Laboratories to amend the waste facility decommissioning licence for the Douglas Point Waste Facility. CNSC hearing November 25-26.

- **Written submission** (October 26, 2020) 37 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd20-h4-12.pdf/object

**2018:** Application by Bruce Power for a ten-year renewal of its Nuclear Power Reactor Operating Licence for the Bruce A and B Nuclear Generating Station. CNSC hearing May 28-31.

- **Written submission** (April 23, 2021) 530 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd18-h4-146.pdf/object
- **Written submission supplement** (April 23, 2021) 1364 pages. https://api.cnsc-ccsn.gc.ca/dms/digital-medias/cmd18-h4-146a.pdf/object

# 9.4 LETTER TO THE MINISTER OF ENERGY AND NATURAL RESOURCES

September 13, 2024

The Hon. Jonathan Wilkinson
Minister of Energy and Natural Resources
House of Commons
Ottawa, ON K1A 0A6

***Via email*** **honjonathan.wilkinson@nrcan-rncan.gc.ca**

Dear Minister Wilkinson,

**Re: Request for NRCan to fulfill the Crown's consultation obligations for nuclear projects in Peskotomuhkati territory**

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We, the Peskotomuhkati Nation at Skutik, request the intervention of Natural Resources Canada (NRCan) to uphold the Honour of the Crown and its consultation and Treaty obligations with regard to nuclear projects proposed and occurring in our territory.

The Peskotomuhkati were never consulted when nuclear developments began in our homeland, at the site of NB Power's Point Lepreau Nuclear Generating Station. The nuclear operations at the Point Lepreau site continue without our free, prior and informed consent. This situation is a pressing concern as high-level nuclear waste stockpiles grow, despite our best efforts to bring this to the attention of all levels of government and engage in good faith.

As you are aware, for nuclear projects the Crown relies on the Canadian Nuclear Safety Commission (CNSC) to fulfill constitutional obligations to Indigenous Peoples when a decision is being made that may adversely impact rights. Our associated Treaty rights and interests must be at the forefront of these discussions, as they are the basis of Section 35, and this section of the Constitution is only a reaffirmation of Treaty Rights, which existed long before Canada was a country. As a direct result of the CNSC's failure to meaningfully consult and enable Indigenous jurisdiction for decision-making in relation to nuclear projects, these projects and licensing decisions are proceeding without fulfilling the Crown's obligations.

**We write to you asking that the Minister intervene to carry out the Crown's consultation obligations until the CNSC has demonstrated its ability to meaningfully consult and have in place a sufficiently robust, shared Crown-Indigenous decision-making process such that there can be real consideration of and respect for Peskotomuhkati rights.**

1. **Nuclear projects are proceeding absent meaningful fulfillment of consultation and respect for Peskotomuhkati rights**

We, the Peskotomuhkati, have been participating in good faith with the CNSC in hearings and meetings related to nuclear developments at Point Lepreau since before the 2008 – 2012 refurbishment and presented during the refurbishment hearings. In 2022, we made a lengthy written submission and oral presentation during the CNSC hearing for NB Power's application to renew its licence to operate the Point Lepreau reactor. We have also submitted written and oral commentary for the Commission meetings which reviewed the 2021 and 2022 CNSC Regulatory Oversight Reports (ROR). We continue to meet with CNSC staff to discuss nuclear issues in our territory such as (but not limited to):

- The federal licence issued by the CNSC for ongoing operations at the Point Lepreau Nuclear Power Generating Station,
- Clarification of our comments and CNSC responses regarding the RORs,
- NB Power's application to the CNSC regarding a License to Prepare Site for the ARC-100,
- the Provincial Environmental Impact Assessment related to the ARC-100, as well as our desire and support of the two requests to Environment Minister Guilbeault for a Federal impact assessment for the ARC-100 and Moltex small modular nuclear reactor (SMNR) projects,
- Reprocessing and the planned Moltex SMNR,
- And a multitude of other nuclear-related topics.

However, in none of these engagements has the CNSC meaningfully fulfilled the Crown's consultation's obligations. We are not experiencing what we consider a reciprocation of our efforts. The CNSC does indeed meet with us, but there is no action which addresses our concerns.

We are also acutely interested in proposed nuclear projects actively being discussed by government and nuclear proponents that have not yet triggered either federal licensing reviews or impact assessments. This includes the proposed Moltex SMNR and its associated reprocessing unit, and the construction of new waste storage facilities and aquatic infrastructure in the Bay of Fundy to support first-of-their kind SMNR projects at Point Lepreau. (We also note that both the ARC-100 and Moltex projects are supported by federal funding.)

As we seek stability, the CNSC is instead increasing the Point Lepreau operating license from 1 year to 3 years to 5 years and now to 10. As is well understood in asset management, as an asset ages – it needs more attention, not less. The growing length of time between licensing periods seems to be in direct correlation to the aging of the plant, to the detriment of time needed to address our concerns. These types of actions by the CNSC are not conducive to a productive relationship. The CNSC action to approve Lepreau's operating license has effectively dismissed an entire generation of rights-holders' voices.

The power of the Treaties was supposed to mean 'no impact' to Indigenous peoples – this is explained traditionally in the Two-Row wampum belt. The Supreme Court of Canada has also reiterated that Canada must honour the Treaties.

Current and proposed nuclear projects create potential infringements to our Indigenous and Treaty rights and underscore the critical need for consultation that meaningfully considers the cumulative environmental, socio-economic and health effects of these nuclear projects. **The direct, indirect and cumulative effects of currently proposed and operational nuclear activities on our rights, interests and lands are significant**, particularly since all the above-noted projects are proposed within Peskotomuhkati traditional territory.

Unfortunately, it is our experience to date that the CNSC has maintained its narrow regulatory focus, adopting an individualized or a stage-specific approach to engagement. The CNSC's approach is contrary to Canada's stated intent to advance reconciliation and nation-to-nation relationships. When we raised these concerns directly with the CNSC, they sought to rely on their mandate as a factor *limiting* the inclusion of these more broadly scoped considerations. As a result, the CNSC – acting as the Crown – is insufficiently engaging on these topics that are profoundly significant to our rights and interests.

Before making any licensing decision, the CNSC must have adequate information to properly assess and accommodate project impacts. With their current approach and the lack of impact assessment (which we have requested), we are precluded from understanding the full range of potential and cumulative impacts on our rights. As the CNSC has shown no willingness to change its approach, we are reaching out to you, given your Ministry's jurisdiction for nuclear energy in Canada.

2. **The CNSC is a laggard in implementing the United Nations Declaration on the Right of Indigenous Peoples (Declaration) and upholding its principles**

It is of critical importance to informing present and future nuclear projects that the laws, traditions and values of the Nation equally inform decision-making, including its process and outcomes. This position is in conformity with the *UN Declaration* and the domestic *Declaration Act*, which requires our free, prior and informed consent before any storage or disposal of hazardous materials takes place in our lands or territories.

From our perspective, Canada's *Declaration Act* provisions clearly reflect Parliament's intention to adopt a whole of government approach to ensure Indigenous Peoples' rights are recognized and protected when impacts to their territories exist. However, because the CNSC has declined to use its jurisdiction to implement *the Declaration* and the *Declaration Act*, our hands are effectively tied. This is what I refer to as the *law of omission*, which leaves behind the *spirit* of the law.

What's more, the CNSC is not among the named regulators in Canada's Declaration Action Plan which prescribes measures for implementing the *Declaration* in Canadian law. While this does not mean that the *Declaration* does not apply to the CNSC, the Action Plan provides helpful illustrations of expectations for regulators in implementing the *Declaration* and the type of actions the CNSC could undertake. For

instance, the Action Plan behooves the Canada Energy Regulator to enable First Nations to exercise federal regulatory authority in respect of projects they regulate. The Impact Assessment Agency of Canada, likewise, is similarly compelled to recognize Indigenous governing bodies and enter into jurisdictional agreements for the purpose of Impact Assessment functions and decision-making powers.

We also wish to stress that our comments about the CNSC's deficiencies are not a criticism of the CNSC staff members we have engaged with over the last few years who are carrying out their duties professionally. Our concerns are not about individuals but rather the CNSC processes and the CNSC institution.

Consultation by the CNSC is occurring at a markedly deficient standard not in keeping with the *Declaration* principles nor expectations adopted by other energy regulators. The threshold of consent must be met if our inherent rights, including rights to self-determination, are to be upheld in light of nuclear projects proposed and occurring in our territory. The *Declaration*, the Canadian *Declaration Act* and the Action Plan directly advance our right to self-determination and move us away from the CNSC model, wherein our role is limited to imputing specific concerns into a licensing regime which is neither Indigenous-led nor a nation-nation process.

**3. Remedial Action Requested**

As evidenced by the continued inaction by the CNSC to meaningfully consult and implement the *Declaration*, the CNSC - acting as the Crown - remains legally incapable of fulfilling constitutional consultation obligations and advancing reconciliation with the Peskotomuhkati.

Accordingly, we respectfully ask for your urgent consideration of our request that NRCan step in for the CNSC, acting as the Crown, and that respectful and meaningful consultation be started for nuclear projects in our territory. We are available to meet with you and your staff virtually and request the opportunity to do so at your earliest convenience.

For your information, we intend to share this letter with the public so they may understand our concerns with the current situation.

Sincerely,

Chief Hugh Akagi

cc:

Members of Parliament:
Minister of Crown-Indigenous Relations, The Hon. Gary Anandasangaree
Minister of the Environment and Climate Change, The Hon. Steven Guilbeault
MP for Fredericton and Parliamentary Secretary to the Minister of Indigenous Services, Jenica Atwin
MP and Leader of the Conservative Party of Canada, Pierre Poilievre
MP and Leader of the New Democratic Party of Canada, Jagmeet Singh
MP and Leader of the Bloc Québécois, Yves-François Blanchet
MP and Leader of the Green Party of Canada, Elizabeth May

Members of the Legislative Assembly of New Brunswick:
MLA and Premier, The Hon. Blaine Higgs
MLA and Leader of the New Brunswick Liberal Party, Susan Holt
MLA and Leader of the Green Party of New Brunswick, David Coon

Interested parties:
Registrar, Canadian Nuclear Safety Commission (CNSC)
CNSC President and CEO, Pierre Tremblay
NB Power CEO, Lori Clark
Commissioner of the Environment and Sustainable Development, Jerry V. DeMarco

**"Ideally, in a perfect world, we don't have to repeat our stories over and over again, we don't have to repeat our wants and our needs over and over again, and when we say something the weight of our words really carries. It carries into the policies, and the legislation that's being developed on our behalf."** – Peyton Pitawanakwat, Giigdoninikwe (Councillor) Mississauga First Nation